

that the project has been approved and released from all environmental conditions.

### IX. Authority

This program is authorized under section 107(b)(3) of the Housing and Community Development Act of 1974 (the 1974 Act) (42 U.S.C. 5307(b)(3)), which was added by section 105 of the Department of Housing and Urban Development Reform Act of 1989 (Pub.L. 101-235). The HBCU Program is governed by regulations contained in 24 CFR 570.400 and 570.404, and in 24 CFR part 570, subparts A, C, J, K, and O.

### HBCU Program Appendix A

*Historically Black Colleges and Universities (Previously Unfunded By HUD During Fiscal Years 1991-1998)*

Alabama  
Bishop State Community College  
Concordia College  
Fredd State Technical College  
Lawson State Community College  
Miles College  
Selma University  
J.F. Drake Technical College  
Trenholm State Technical College  
Arkansas  
Shorter College  
Delaware  
Delaware State University  
Florida  
Bethune-Cookman College  
Edward Waters College  
Florida Memorial College  
Georgia  
Morehouse College  
Morehouse School of Medicine  
Paine College  
Louisiana  
Dillard University  
Southern University at Shreveport/Bossier City  
Maryland  
University Of Maryland Eastern Shore  
Michigan  
Lewis College of Business  
Mississippi  
Hinds Community College  
Mary Holmes College  
North Carolina  
Barber-Scotia College  
Livingstone College

Ohio  
Wilberforce University  
Pennsylvania  
Cheyney University of Pennsylvania  
South Carolina  
Allen University  
Clinton Junior College  
Denmark Technical College  
Morris College  
Tennessee  
Knoxville College  
Lane College  
Meharry Medical College  
Tennessee State University  
Texas  
Jarvis Christian College  
Southwestern Christian College  
Texas College  
Virginia  
Virginia Union University  
West Virginia  
Bluefield State College  
West Virginia State University  
U.S. Virgin Islands  
University of the Virgin Islands

### HBCU Program Appendix B

*Historically Black Colleges and Universities (Previously Funded By HUD During Fiscal Years 1991-1998)*

Alabama  
Alabama A&M University  
Alabama State University  
Gadsden State Community College  
Oakwood College  
Stillman College  
Talladega College  
Tuskegee University  
Arkansas  
Arkansas Baptist College  
Philander Smith College  
University of Arkansas at Pine Bluff  
District of Columbia  
Howard University  
University of the District of Columbia  
Florida  
Florida A&M University  
Georgia  
Albany State University  
Clark Atlanta University  
Fort Valley State University  
Interdenominational Theological Center  
Morris Brown College  
Savannah State University  
Spelman College  
Kentucky  
Kentucky State University

Louisiana  
Grambling State University  
Southern University A & M College System at Baton Rouge  
Southern University at New Orleans  
Xavier University of New Orleans  
Maryland  
Bowie State University  
Coppin State College  
Morgan State University  
Mississippi  
Alcorn State University  
Coahoma Community College  
Jackson State University  
Mississippi Valley State University  
Rust College  
Tougaloo College  
Missouri  
Harris-Stowe State College  
Lincoln University  
North Carolina  
Bennett College  
Elizabeth City State University  
Fayetteville State University  
Johnson C. Smith University  
North Carolina A&T State University  
North Carolina Central University  
St. Augustine's College  
Shaw University  
Winston-Salem State University  
Ohio  
Central State University  
Oklahoma  
Langston University  
Pennsylvania  
Lincoln University  
South Carolina  
Benedict College  
Claflin College  
South Carolina State University  
Voorhees College  
Tennessee  
Fisk University  
Lemoyne-Owen College  
Texas  
Huston-Tillotson College  
Paul Quinn College  
Prairie View A&M University  
Saint Philip's College  
Texas Southern University  
Wiley College  
Virginia  
Hampton University  
Norfolk State University  
Saint Paul's College  
Virginia State University

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**DEPARTMENT OF HOUSING  
AND URBAN DEVELOPMENT**

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**HISPANIC-SERVING INSTITUTIONS  
ASSISTING COMMUNITIES (HSIAC)**



## **Funding Availability for the Hispanic-Serving Institutions Assisting Communities Program**

### *Program Overview*

**Purpose of the Program.** To assist Hispanic-serving institutions of higher education (HSIs) expand their role and effectiveness in addressing community development needs in their localities, consistent with the purposes of Title I of the Housing and Community Development Act of 1974, as amended.

**Available Funds.** Approximately \$5.65 million.

**Eligible Applicants:** Only nonprofit Hispanic-serving institutions of higher education that meet the definition of an HSI established in Title V of the 1998 Amendments to the Higher Education Act of 1965 (Pub. L. 105-244; enacted October 7, 1998).

**Application Deadline.** June 9, 1999.

**Match.** None.

### *Additional Information:*

If you are interested in applying for funds under the HSIAC Program, please review carefully the General Section of this SuperNOFA and the following additional information.

### **I. Application Due Date, Application Kits, Further Information, and Technical Assistance**

**Application Due Date.** Your completed application is due on or before 12:00 midnight, Eastern Time on June 9, 1999 at HUD Headquarters.

See the General Section of this SuperNOFA for specific procedures covering the form of the application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

**Address for Submitting Applications.** Submit your original signed application and two copies to the following address: Processing and Control Branch, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7251, Washington, DC, 20410. When submitting your application, please refer to HSIAC and include your name, mailing address (including zip code) and telephone number (including area code).

HUD will accept only one application per HSI for this program. If your institution submits more than one application, all of your applications for HSIAC will be disqualified. You should take this policy into account and take steps to ensure that multiple applications are not submitted.

**For Application Kits.** For an application kit and any supplemental information, you should call the

SuperNOFA Information Center at 1-800-HUD-8929. If you have a hearing or speech impairment, please call the Center's TTY number at 1-800-843-2209. When requesting an application kit, you should refer to HSIAC Program and provide your name and address (including zip code) and telephone number (including area code). You may also access the application on the Internet through the HUD web site at [www.hud.gov](http://www.hud.gov).

**For Further Information and Technical Assistance.** For answers to your questions, you have several options. You may call Jane Karadbil of HUD's Office of University Partnerships at 202-708-1537, extension 5918. If you have a hearing or speech impairment, you may access this number via TTY by calling the Federal Information Relay Service toll-free at 1-800-877-8339. You may also write to Ms. Karadbil via email at [Jane\\_R\\_Karadbil@HUD.Gov](mailto:Jane_R_Karadbil@HUD.Gov).

There will be an information broadcast via satellite so that you can learn more about this program and how to prepare an application. For more information about the date and time of this broadcast, you should consult the HUD web site.

### **II. Amount Allocated**

Approximately \$5.65 million in FY 1999 funds is being made available under this SuperNOFA for HSIAC. The maximum grant period is 24 months. The performance period will commence on the effective date of the grant agreement. The maximum amount request and amount to be awarded is \$400,000. Since the Statement of Work and other facets of the technical review are assessed in the context of the proposed budget and grant request, and in the interest of fairness to all applicants, if you submit an application requesting more than \$400,000 in HUD funds, it will be ruled ineligible. HUD reserves the right to make awards for less than the maximum amount or less than the amount requested in your application.

### **III. Program Description; Eligible Applicants; Eligible Activities**

**(A) Program Description.** The purpose of HSIAC is to assist HSIs expand their role and effectiveness in addressing community development needs in their localities, including neighborhood revitalization, housing, and economic development.

(1) For the purposes of this program, the term "locality" includes any city, county, Township, parish, village, or other general political subdivision of a State, Puerto Rico, or the U.S. Virgin

Islands within which your HSI is located.

(2) If your HSI is located in a metropolitan statistical area (MSA), as established by the Office of Management and Budget, you may consider your locality to be one or more of these entities within the entire MSA. The nature of the locality for each HSI may differ, therefore, depending on its location.

(3) A "target area" is the locality or the area within the locality in which your institution will implement its proposed HUD grant.

**(B) Eligible Applicants.** Only if your institution is a nonprofit institution of higher education and meets the statutory definition of an HSI in Title V of the 1998 Amendments to the Higher Education Act of 1965 (P.L. 105-244) are you eligible to apply. In order for you to meet this definition, at least 25 percent of the full-time undergraduate students enrolled in your institution must be Hispanic and not less than 50 percent of these Hispanic students must be low-income individuals. You are not required to be on the list of eligible institutions prepared by the U.S. Department of Education. However, if you are not, you will be required to certify in the application that you meet the statutory definition.

**(C) Eligible Activities.** (1) *General.* Each activity you propose for funding must meet both a Community Development Block Grant Program (CDBG) national objective and the CDBG eligibility requirements. A discussion of the national objectives can be found at 24 CFR part 570.208. There are three national objectives:

- (a) Benefit to low- and moderate-income persons;
- (b) Aid in the prevention or elimination of slums or blight; or
- (c) Meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health and welfare of the community, and other financial resources are not available to meet such needs.

(It is not necessary for you to comply with the requirement that not less than 70% of the grant expenditures be for activities benefiting low- and moderate-income persons.)

You can find the regulations governing activities eligible under the CDBG program at 24 CFR part 570, subpart C, particularly §§ 570.201 through 570.206. Ineligible activities are listed at § 570.207. The CDBG publication entitled "Everything You Wanted to Know About CDBG"

discusses the regulations. You can obtain a copy from the SuperNOFA Information Center. If you propose an activity which otherwise is eligible, it may not be funded if State or local law requires that it be carried out by a governmental entity.

In addition, you may not propose the construction or rehabilitation of your own facilities unless you can demonstrate that such activities would meet the purpose of this program to expand the role and effectiveness of an HSI in its locality. HUD will scrutinize proposed activities for eligibility. As examples of eligible and ineligible on-campus activities, rehabilitating a library for use by your students would not be an eligible activity, but rehabilitating it to convert it to a micro-business enterprise center for the community would be.

**(2) Examples of Eligible Activities.**

Examples of activities that generally can be carried out with these funds, under one the three national objectives, include, but are not limited to:

- (a) Acquisition of real property;
- (b) Clearance and demolition;
- (c) Rehabilitation of residential structures to increase housing opportunities for low- and moderate-income persons and rehabilitation of commercial or industrial buildings to correct code violations or for certain other purposes, e.g., making accessibility and visitability modifications to housing;
- (d) Direct homeownership assistance to low- and moderate-income persons, as provided in section 105(a)(25) of the Housing and Community Development Act of 1974;
- (e) Acquisition, construction, reconstruction, rehabilitation, or installation of public facilities and improvements, such as water and sewer facilities and streets;
- (f) Special economic development activities described at 24 CFR 570.203;
- (g) Up to 15 percent of the grant for eligible public services activities including:
  - (i) Work study programs that meet the program requirements of the Hispanic-serving Institutions Work Study program, which can be found at 24 CFR 570.416;
  - (ii) Outreach and other program activities as described in the Community Outreach Partnership Centers Program section of the SuperNOFA;
  - (iii) Educational activities including English as a Second Language (ESL) classes, adult basic education classes, GED preparation and testing, and curriculum development of courses that

will lead to a certificate or degree in community planning and development;

(iv) Job and career counseling and assessment and other activities designed to promote employment opportunities;

(v) Capacity building for community organizations;

(vi) Social and medical services for youths, adults, senior citizens, and the homeless;

(vii) Fair housing services designed to further the fair housing objectives of the Fair Housing Act (42 U.S.C. 3601–20) by making all persons, without regard to race, color, religion, sex, national origin, familial status and/or disability aware of the range of housing opportunities available to them;

(viii) Day care services and costs for the children of students attending your institution;

(ix) Continuum of care services for the homeless;

(x) Public access telecommunications centers including “Campus of Learners” and “Neighborhood Networks;”

(xi) Services to assist low-income students to attend college, as part of the U.S. Department of Education’s Gaining Awareness and Readiness for Undergraduate Program (GEAR UP). (For more information, call 1–800–USA–LEARN or visit the Department of Education’s website at [www.ed.gov](http://www.ed.gov)).

(h) Assistance to facilitate economic development by providing technical assistance or financial assistance for the establishment, stabilization, and expansion of microenterprises, including minority enterprises.

(i) Establishment of a Community Development Corporation (CDC) at the institution to undertake eligible activities;

(j) Assistance to community-based development organizations (CBDO) to carry out a CDBG neighborhood revitalization, community economic development, or energy conservation project, in accordance with 24 CFR 570.204. This could include activities in support of a HUD approved local CDBG Neighborhood Revitalization Strategy (NRS) or HUD approved State CDBG Community Revitalization Strategy (CRS). If you are proposing a Community Development Corporation (CDC) component, it may qualify for CBDO activities;

(k) Activities designed to promote training and employment opportunities;

(l) Up to 20% of your grant for program administration costs related to the planning and execution of community development activities assisted in whole or in part with grant funds. Pre-award planning costs may not be paid out of grant funds.

**(3) Use of Grant Funds for Acquisition of Computer Hardware and Software.**

HUD encourages you to propose the use of grant funds, at reasonable levels, for the acquisition of computer hardware and software compatible with Internet access and HUD’s Community Planning 2020 Software, if you do not currently have such capability. You may obtain more information on the Community Planning 2020 Software from the local HUD Community Planning and Development Office.

**(D) Other Requirements. (1)**

**Leveraging.** Although a match is not required to qualify for funding, if you claim a match, you must provide letters or other documentation evidencing the extent and firmness of commitments of a match from other Federal (e.g., Americorps Programs), State, local, and/or private sources (including the applicant’s own resources). These letters or documents must be dated no earlier than the date of this published SuperNOFA.

**Potential Sources of Assistance**

- State and local governments.
- Housing Authorities.
- Local or national nonprofit organizations.
- Banks and private businesses.
- Foundations.
- Faith Communities.

**Documentation Requirements**

For each match, cash or in kind, you must submit a letter from the provider on the provider’s letterhead. Number each letter as a page in the application. For each match, include a letter from the provider that addresses the following:

- The dollar amount or dollar value of the in-kind goods and/or services committed. For each cash match, the dollar amount in the commitment letter must be consistent with the dollar amount you indicated on the SF-424 and in the Budget;
- How the match is to be used;
- The date the match will be made available and a statement that it will be for the duration of the grant period;
- Any terms and conditions affecting the commitment, other than receipt of a HUD HSIAC Grant; and
- The signature of the appropriate executive officer authorized to commit the funds and/or goods and/or services. (See the application kit for a sample commitment letter.)

**(2) Employment of local area residents (Section 3).** Please see Section II(E) of the General Section of this SuperNOFA. The requirements are applicable to certain activities that may be funded under this program section of the SuperNOFA.

(3) *Labor Standards.* If you are awarded a grant, you must comply with the labor standards as found at 24 CFR 570.6603.

(4) *OMB Circulars.* Your grant will be governed by the provisions of 24 CFR part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals and other Nonprofit Organizations), A-21 (Cost Principles for Education Institutions, and A-133 (Audits of States, Local Governments, and Non-Profit Organizations. You may not spend more than 20% of your grant on planning or administrative costs. The application kit contains a detailed explanation of what these costs are. You can access the OMB circulars at the White House website at <http://whitehouse.gov/WH/EOP/OMB/html/circulars>.

#### IV. Application Selection Process

HUD will conduct two types of review: a threshold review to determine applicant eligibility; and a technical review to rate the application based on the rating factors in this section.

##### (A) Threshold Factors for Funding Consideration

Under this threshold review, your application will be rejected from competition if it is not in compliance with the requirements of the General Section of the SuperNOFA or the following additional standards are not met:

- (1) You must be an eligible HSI;
- (2) Your application requests a Federal grant that is no more than \$400,000 over a two-year period;
- (3) There is only one application from your institution or a part of your institution;
- (4) At least one of the activities in your application is eligible.

(B) *Factors for Award Used to Evaluate and Rate Applications.* The factors for rating and ranking applicants, and maximum points for each factor, are provided below. The maximum number of points for this program is 102. This includes two EZ/EC bonus points, as described in the General Section of the SuperNOFA.

##### Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (15 Points)

This factor addresses the extent to which you have the organization resources necessary to successfully implement the proposed activities in a timely manner. In rating this factor, HUD will consider the extent to which your application demonstrates the knowledge and experience of the overall project director and staff, including the

day-to-day program manager, consultants and contractors in planning and managing the kinds of programs for which funding is being requested. If this experience is found within the HSI, you will receive higher points on this factor than if you have secured this experience from consultants, contractors, and other staff outside your institution. In addition, if you demonstrate that the previous experience is for the project team from the institution proposed for this project, you will receive higher points than if the experiences are for people not proposed to work on this project. Experience will be judged in terms of recent, relevant, and successful experience of your staff to undertake activities in:

- (a) Outreach activities in specific communities to solve or ameliorate significant housing and community development issues;
- (b) Undertaking specific successful community development projects with community-based organizations; and
- (c) Providing proven leadership in solving community problems which have a direct bearing on the proposed activity.

##### Rating Factor 2: Need/Extent of the Problem (15 Points)

This factor addresses the extent to which there is a need for funding the proposed program activities and an indication of the importance of meeting the need in the target area. In responding to this factor, you will be evaluated on the extent to which you *document* the level of need for the proposed activities and the importance of meeting the need.

You should use statistics and analyses contained in a data source(s) that:

- (1) Is sound and reliable. To the extent that your targeted community's Five (5) Year Consolidated Plan and Analysis of Impediments to Fair Housing Choice (AI) identify the level of the problem and the urgency in meeting the need, you should include references to these documents in your response to this factor. The Department will view your application more favorably if you have used these documents to identify need.

If your proposed activities are not covered under the scope of the Consolidated Plan and AI, you should indicate such, and use other sound data sources to identify the level of need and the urgency in meeting the need. Types of other sources include Census reports, HUD Continuum of Care gaps analysis, law enforcement agency crime reports, Public Housing Authorities' Comprehensive Plans, community needs analyses such as provided by the

United Way, the HSI, etc., and other sound and reliable sources appropriate for the HSIAC program. You may also address needs in terms of fulfilling court orders or consent decrees, settlements, conciliation agreements, and voluntary compliance agreements.

(2) To the extent possible, the data you use should be specific to the area where the proposed activities will be carried out. You should document needs as they apply to the area where the activities will be targeted, rather than the entire locality or State, unless the target area is the entire locality or State.

##### Rating Factor 3: Soundness of Approach (50 Points)

This rating factor addresses the quality and cost-effectiveness of your proposed work plan. There must be a clear relationship between the proposed activities, the community's needs, and the purpose of HSIAC for you to receive points on this factor.

(1) *Quality of the Statement of Work.* (20 points) Your statement of work must incorporate all proposed activities, describing in detail how the activities will alleviate and/or fulfill the needs identified in Factor 2 and how the activities will be implemented. In evaluating this factor, HUD will consider:

(a) (10 points) The extent to which your proposed statement of work identifies the specific services or activities to be performed. In reviewing this subfactor, HUD will consider the extent to which:

(i) Your proposal outlines a clear agenda based on your familiarity with existing work/activities in the target area. You should demonstrate that your proposed activities do not duplicate work/activities previously completed or currently underway by others and that they meet a CDBG national objective and are eligible activities under the CDBG program;

(ii) You demonstrate how your activities will fit into and strengthen your role in addressing community development needs in your locality; and how the proposed project will potentially yield innovative strategies or "best practices" that can be duplicated and disseminated to other organizations.

(b) (10 points) The extent to which the proposed activities involve the communities to be served in implementation of these activities. HUD will look at the extent to which:

(i) Representatives of the local communities (that reflect a balance of race, ethnic, disability, gender, and income of the residents of the community to be served) are involved or

will be involved to address the needs identified in Rating Factor 2;

(ii) Evidence is provided that you invited neighborhood organizations and local government entities to participate, or that they did participate in the identification of the activities to be undertaken; and

(iii) The methods you used for outreach to the community during the development of the application and propose to use for implementation of the proposed project will be effective.

(2) *Feasibility of Successful and Timely Delivery of Products and Implementation.* (10 points) Your statement of work must describe the timing of all activities to be undertaken and completed under the grant. You should describe the products you will deliver in 6 month intervals, up to 24 months and indicate which staff under Factor 1 will be responsible and accountable for the deliverables. In evaluating this factor, HUD will consider the extent to which the proposed activities will achieve the purposes of the program within the grant period and the extent to which the schedule represents an efficient and feasible plan for implementation of your proposed activities. You should identify specific time-phases and measurable objectives to be accomplished during the period of performance; the proposed short- and long-term program objectives to be achieved as a result of the proposed activities; the tangible and measurable impacts the statement of work will have on the community in general and on the target area in particular; and the relationship of the proposed activities to other on-going or proposed efforts to improve the economic, social, or living environment in the target area.

(3) *Affirmatively Furthering Fair Housing.* (5 points) The extent to which you propose to undertake activities designed to affirmatively further fair housing, for example:

(a) Working with other entities in the community to overcome impediments to fair housing, such as discrimination in the sale or rental of housing or in advertising, provision of brokerage services or lending;

(b) Promoting fair housing choice through the expansion of homeownership opportunities and improved quality of services for minorities, families with children, and persons with disabilities; or

(c) Providing housing mobility counseling services.

(4) *HUD priorities.* (5 points) The extent to which your application will further and support the following priorities of HUD:

(1) Promoting healthy homes;

(2) Providing opportunities for self-sufficiency, particularly for persons enrolled in welfare-to-work programs;

(3) Enhancing on-going efforts to eliminate drugs and crime from neighborhoods through program policy efforts such as "One Strike and You Are Out" or the "Officer Next Door" initiative; or

(4) Providing educational, job training, and homeownership opportunities through such initiatives as GEAR UP, Neighborhood Networks, Campus of Learners, and linking programs to Americorps.

The *Healthy Homes* initiative implements a series of initiatives to protect children from home hazards such as lead-based paint, radon, fires, and accidents around the home.

The *GEAR UP* initiative promotes partnerships between colleges and middle or junior high schools in low-income communities, to help teach students how they can go to college by informing them about college options, academic requirements, costs, and financial aid, and by providing support services, including tutoring, counseling, and mentoring.

The *Neighborhood Networks* initiative enhances the self-sufficiency, employability, and economic self-reliance of low-income families and the elderly living in HUD-insured and HUD-assisted properties by providing them with on-site access to computer and training resources.

The *Campus of Learners* initiative is designed to transform public housing into safe and livable communities where families undertake training in new telecommunications and computer technology and partake in educational opportunities and job training initiatives.

(4) *Institutionalization of Project Activities.* (10 points) The extent to which your project will result in the kinds of proposed activities being sustained by becoming part of the mission of your institution. In reviewing this subfactor, HUD will consider the extent to which program activities relate to your institution's mission; are part of a climate that rewards faculty work on these kinds of activities through promotion and tenure; benefits students because they are part of a service learning program at your institution; and are reflected in the curriculum. HUD will look at your commitment to faculty and staff continuing work in the target area or other similar areas and to your longer term commitment (five years after the start of the grant) of hard dollars to similar work.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure community resources, which can be combined with HUD program funds to achieve program objectives.

In evaluating this factor, HUD will consider the extent to which you have established partnerships with other entities to secure additional resources to increase the effectiveness of the proposed activities. Resources may include funding or in-kind contributions, such as services or equipment. Resources may be provided by governmental entities, public or private nonprofit organizations, for-profit private organizations, or other entities. You may also establish partnerships with other program funding recipients to coordinate the use of resources in the target area.

You may count overhead and other institutional costs (e.g., salaries) that are waived as leveraging. However, higher points will be awarded if you secure leveraging resources from sources outside the institution.

You must provide letters or other documentation showing the extent and firmness of commitments of leveraged funds (including your own resources) in order for these resources to count in determining points under this factor. These commitment letters or documents must be dated no earlier than the date of this published SuperNOFA. This documentation should include the organization's name, proposed level of commitment and responsibilities as they relate to the proposed program. The commitment must also be signed by the official of the organization legally able to make commitments on behalf of the organization. Any resource for which there is no commitment letter will not be counted, nor will the resource be counted without the proposed level of commitment being quantified. If your application does not include evidence of leveraging, it will receive zero (0) points for this Factor.

Rating Factor 5: Comprehensiveness and Coordination (10 Points)

This factor addresses the extent to which you have coordinated your activities with other known organizations, participate or promote participation in a community's Consolidated Planning process, and are working towards addressing a need in a holistic and comprehensive manner through linkages with other activities in the community. For specific information about your locality's process, contact the local or State Community



Development Agency or the local HUD field office.

In evaluating this factor, HUD will consider the extent to which you demonstrate that you have:

(1) (4 points) Coordinated your proposed activities with those of other groups or organizations prior to submission in order to best complement, support, and coordinate all known activities and, if funded, the specific steps you will take to share information on solutions with others. Any written agreements, memoranda of understanding in place, or that will be in place after award, should be described.

(2) (3 points) Taken or will take specific steps to become active in the community's Consolidated Planing process (including the Analysis of Impediments to Fair Housing Choice) established to identify and address a need/problem that is related to the activities you propose.

(3) (3 points) Taken or will take specific steps to develop linkages to coordinate comprehensive solutions through meetings, information networks, planning processes or other mechanisms with:

(a) Other HUD-funded projects/activities outside the scope of those covered by the Consolidated Plan; and

(b) Other Federal, State or locally-funded activities, including those proposed or on-going in the community.

(C) *Selections.* In order to be funded, you must receive a minimum score of 70 points. HUD will fund applications in rank order, until it has awarded all available funds. If two or more applications have the same number of points, the application with the most points for Factor 3, Soundness of Approach, shall be selected. If there is still a tie, the application with the most points for Factor 4, Leveraging, shall be selected.

HUD will not fund specific proposed activities that do not meet eligibility requirements (see 24 CFR part 570, subpart C) or do not meet a national objective in accordance with 24 CFR 570.208.

HUD reserves the right to make selections out of rank order to provide for geographic distribution of funded HSIACs. If HUD decides to use this option, it will do so only if two adjacent HUD regions do not yield at least one fundable HSIAC on the basis of rank order. If this occurs, HUD will fund the highest ranking applicant within the two regions as long as the minimum score of 70 points is achieved.

After all application selections have been made, HUD may require that you participate in negotiations to determine

the specific terms of the Statement of Work and the grant budget. In cases where HUD cannot successfully complete negotiations, or you fail to provide HUD with requested information, an award will not be made. In such instances, HUD may elect to offer an award to the next highest ranking applicant, and proceed with negotiations with that applicant.

After award but before grant execution, winners will be required to provide a certification from an Independent Public Accountant or the cognizant government auditor, stating that the financial management system employed by your institution meets proscribed standards for funds control and accountability required by OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, or 24 CFR part 84, or the Federal Acquisitions Regulations (for all other applicants). This information should contain the name and telephone number of the Independent Auditor, cognizant Federal auditor, or other audit agency, as applicable.

#### **V. Application Submission Requirements**

You should include an original and two copies of the items listed below. In order to be able to recycle paper, please do not submit applications in bound form; binder clips or loose leaf binders are acceptable. Also, please do not use colored paper. Please note the page limits for some of the items listed below and do not exceed them.

In addition to the forms, certifications and assurances listed in Section II(G) of the General Section, your application must, at a minimum, contain the following items:

(A) *Transmittal Letter*, signed by the Chief Executive Officer of your institution or his or her designee. If a designee signs, your application must include the official designation of signatory authority.

(B) *Application Checklist*.

(C) *Abstract/Executive Summary* (one page limit) describing the goals and activities of the project.

(D) *Statement of Work* (25 page limit) incorporating all activities to be funded in your application and details how your proposed work will be accomplished. Following a task-by-task format, the Statement of Work must:

(1) Arrange the presentation of major related activities (e.g., rehabilitation of a child care center, provision of tutoring services), summarize each activity, identify the primary persons involved in carrying out the activity, and delineate the major tasks involved in carrying it out.

(2) Indicate the sequence in which tasks are to be performed, noting areas of work that must be performed simultaneously.

(3) Identify the specific numbers of quantifiable intermediate and end products and objectives the applicant aims to deliver by the end of the grant period as a result of the work performed.

(E) *Narrative Statement Addressing the Factors for Award*. (25 page limit, including tables, and maps, but not including any letters of commitment) You should number the narrative in accordance with each factor and subfactor. Please do not repeat material in the Statement of Work.

(F) *Budget*. The budget presentation should be consistent with the Statement of Work and include:

(1) A budget by task, using the sample form included in the application kit. This form separates the Federal and non-Federal costs of each program activity. Particular attention should be paid to accurately estimating costs; determining the necessity for and reasonableness of costs; and correctly computing all budget items and totals.

(2) A narrative statement of how you arrived at your costs, for any line item over \$5,000. When necessary, quotes from various vendors or historical data should be used and included. All direct labor or salaries must be supported with mandated city/state pay scales or other documentation. Indirect costs must be substantiated and the rate must have been approved by the cognizant Federal agency. If you are proposing to undertake rehabilitation of residential, commercial, or industrial structures or acquisition, construction, or installation of public facilities and improvements, you must submit reasonable costs supplied by a qualified entity other than your institution. Such an entity must be in the business of housing rehabilitation, construction or management. Guidance for securing these estimates can be obtained from the CPD Director in your HUD field office or from your local government.

You may not submit appendices or general support letters or resumes. If you submit letters of leveraging commitment, they must be included in your response to Factor 4. If you submit other documentation, it must be included with the pertinent factor responses (taking note of the page limit).

#### **VI. Corrections to Deficient Applications**

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

**VII. Environmental Requirements**

If you propose activities (such as physical development activities) that are not excluded from environmental review under 24 CFR 50.19(b), HUD will conduct an environmental review in accordance with 24 CFR part 50, before HUD approves the proposal (i.e., releases HSIAC funds). If the requirements of part 50 are not met, HUD reserves the right to terminate all or portions of your award. You are not

authorized to proceed with any activity requiring such approval until written approval is received from the appropriate HUD Field Office Environmental Clearance Officer in its area certifying that the project has been approved and released from all environmental conditions.

**VIII. Authority**

This program is authorized under the section 107 of the CDBG appropriation

for fiscal year 1999, as part of the "Veterans Administration, HUD and Independent Agencies Appropriations Act of 1999" (Pub. L. 105-276, approved October 21, 1998). For this first year of the program, HSIAC is being implemented through this program section of the SuperNOFA and the policies governing its operation are contained herein.

BILLING CODE 4210-32-P

**DEPARTMENT OF HOUSING  
AND URBAN DEVELOPMENT**

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**FAIR HOUSING INITIATIVES  
PROGRAM (FHIP)**



## Funding Availability for the Fair Housing Initiatives Program

### Program Overview

**Purpose of the Program.** To increase compliance with the Fair Housing Act (the Act) and with substantially equivalent State and local fair housing laws.

**Available Funds.** Approximately \$15,000,000 is allocated as follows:

A. Private Enforcement Initiative (PEI) .....	\$9,300,000
B. Education and Outreach Initiative (EOI) .....	4,500,000
C. Fair Housing Organizations Initiative (FHOI) .....	1,200,000

**Eligible Applicants.** Qualified Fair Housing Organizations (QFHOs); Fair Housing Organizations (FHOs); public or private non-profit organizations or institutions and other public or private entities that are working to prevent or eliminate discriminatory housing practices; State and local governments; and Fair Housing Assistance Program Agencies (FHAP) (as defined in Section IV.(A)(13), *Program Definitions*, and described in detail under the initiatives that follow).

**Application Deadline.** April 27, 1999.  
**Match:** None.

### Additional Information

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information.

### I. Application Due Date, Application Kits, Further Information, and Technical Assistance

**Application Due Date.** You must submit completed applications for all Initiatives/Components on or before 12:00 midnight, Eastern time on April 27, 1999 at HUD Headquarters.

See the General Section of this SuperNOFA for specific procedures governing the form of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

**Address for Submitting Applications.** You must submit completed applications (one original and five copies) to: FHIP SuperNOFA '99, [Specify Initiative/Component], FHIP/FHAP Support Division, Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Room 5234, Washington, DC 20410.

When you submit your application, please provide your name, mailing address (including zip code) and telephone number (including area code) on the front of the mailing envelope.

**For Application Kits.** For an application kit and supplemental information, please call the HUD SuperNOFA Information Clearinghouse at 1-800-HUD-8929. If you have a hearing or speech impairment, you may use the Center's TTY at 1-800-HUD-2209. When requesting an application kit, please refer to FHIP SuperNOFA '99, and provide your name, address (including zip code), and telephone number (including area code). Application kits also will be available on the Internet at: <http://www.hud.gov>.

**For Further Information and Technical Assistance.** For answers to your technical questions, you may contact Ivy L. Davis, Director, FHIP/FHAP Support Division at 202-708-0800 ext. 7028 (this is not a toll-free number). If you prefer to use a TTY telephone, you may call 1-800-290-1617.

### II. Amount Allocated

The amount of \$23,500,000 has been appropriated for the Fair Housing Initiatives Program in FY 1999. Approximately \$15,000,000 is being made available for National and Regional/Local/Community-Based activities on a competitive basis to eligible organizations responding to this SuperNOFA. The remaining approximately \$8,500,000 will be made available through separate Requests for Proposals.

The amount available for each initiative is divided as follows:

(A) **Private Enforcement Initiative (PEI).** The objective of this initiative is to support private fair housing enforcement organizations in their investigations of alleged violations of the Fair Housing Act and substantially equivalent State and local fair housing laws. Approximately \$9,300,000 is allocated as follows:

(1) **General Multi-Year Component.** \$7,800,000; award cap: \$300,000 for single projects, \$600,000 for partnership projects; project duration 24-36 months.

(2) **Joint Enforcement Project Component.** \$1,500,000; award cap: \$300,000; project duration 24-36 months.

(B) **Education and Outreach Initiative (EOI).** The objective of this initiative is to assist projects which inform the public about their rights and obligations under the Fair Housing Act and substantially equivalent State and local fair housing laws, to educate the public about the procedures for filing claims with HUD, and to increase the referrals of credible, legitimate fair housing cases (complaints) and other information to HUD. Approximately \$4,500,000 is allocated for 18 month projects; of this,

\$450,000 is allocated for the National Program and \$4,050,000 is allocated for the Regional/Local/Community-Based Program as follows:

(1) **Regional/Local/Community-Based Program.**

(a) **General Component.** \$2,550,000; award cap: \$300,000.

(b) **Homeownership Component.** \$750,000; award cap: \$150,000.

(c) **Disability Component.** \$750,000; award cap: \$150,000.

(2) **National Program. Best Practices Component.** \$450,000; award cap: \$225,000.

(C) **Fair Housing Organizations Initiative (FHOI).** The objective of this initiative is to establish new fair housing enforcement organizations and to build the capacity of fair housing enforcement organizations to carry out enforcement activities. Approximately, \$1,200,000 is allocated for the following components:

(1) **Establishing New Organizations Component (ENOC).** \$800,000; award cap: \$400,000; project duration 24-36 months.

(2) **Continued Development Component (CDC).** \$400,000; award cap: \$200,000; project duration 24 months. Under this component, your award may not exceed 50 percent of the operating budget of your organization for one year. **Operating budget** means your organization's total planned budget expenditures from all sources, including the value of in-kind and monetary contributions, in the 24 months for which funding is received.

### III. Program Descriptions; Eligible Applicants; Eligible Activities

The Fair Housing Initiatives Program (FHIP) assists projects and activities that increase compliance with the Fair Housing Act and substantially equivalent State and local fair housing laws. In September 1997, HUD announced a "crackdown on housing discrimination" pledging to substantially increase its enforcement actions. The activities funded under this SuperNOFA are expected to contribute to the accomplishment of this pledge.

Immigrant populations are increasingly responsible for new household formations in the United States and they often face formidable barriers because of discriminatory housing practices. As the President has stated, these unlawful barriers hinder the goal of "One America." It is imperative that fair housing efforts be directed to educating immigrant populations about their fair housing rights and ensuring that enforcement mechanisms address the specific types of discrimination they encounter on a

national, regional, local or community basis. Therefore, activities under the following components should address the fair housing needs of these and other "underserved populations:" (1) the General Component of the Private Enforcement Initiative; (2) the General Component of the Regional/Local/Community-Based Education and Outreach Initiative; and, (3) the Best Practices Component of the Education and Outreach Initiative National Program.

*(A) Private Enforcement Initiative (PEI)*

*(1) PEI-General Multi-Year Component. (a) Component Description.* If you apply for this component, you must place special emphasis on the fair housing enforcement needs of new immigrant groups and other underserved populations, as defined in the introductory paragraph of Section III. of this program section of the SuperNOFA. The objective of this component is to carry out audits, tests, and other investigative activities which:

- (i) Determine compliance with accessibility requirements;
- (ii) Discover and remedy discrimination in the public and private real estate markets;
- (iii) Propose and undertake activities to detect and remedy more subtle and sophisticated forms of discriminatory practices; and
- (iv) Reduce the incidence of steering and other practices perpetuating segregation.

*(b) Eligible Applicants.* (i) Eligible organizations are FHOs with at least one year of experience in complaint intake, complaint investigation, testing for fair housing violations, and meritorious claims; and QFHOs.

(ii) If you are currently receiving PEI Multi-Year funding awarded to you under a previous NOFA, and, as of the date of this SuperNOFA, your funding expires after June 30, 2000, you are not eligible to apply for this General Multi-Year Component under this SuperNOFA. You are, however, eligible to apply for funding under any other initiative/component.

(iii) Your proposal will be considered either as a single or partnership project (see Section IV.(C)(3), *Program Requirements*, for more details). If you are submitting a partnership proposal, although your award will be made to a single organization, all members of your partnership must meet the eligibility requirements of this initiative.

*(c) Eligible Activities.* Eligible activities include:

- (i) Complaint intake of allegations of housing discrimination, testing, evaluating testing results, or providing

other investigative and complaint support for administrative and judicial enforcement of fair housing laws;

(ii) Investigations of individual complaints and systemic housing discrimination for further enforcement processing by HUD, through testing and other investigative methods;

(iii) Mediation or otherwise voluntarily resolving allegations of fair housing discrimination after a complaint has been filed; and

(iv) Costs and expenses of litigating fair housing cases, including expert witness fees.

*(2) Joint Enforcement Project Component (JEP). (a) Component Description.* This component promotes partnerships between private fair housing enforcement organizations, FHAP agencies and/or traditional civil rights organizations to focus on systemic investigations of housing discrimination. As set forth in Rating Factor 3: Soundness of Approach, these partnerships are expected to result in enforcement proposals being filed with HUD or sufficient information being provided to HUD for the filing of Secretary-initiated complaints or other use by the Department.

*(b) Eligible Applicants.* If you are a QFHO or FHO, you are eligible for funding under this component and may subcontract with other organizations to carry out Joint Enforcement Project Components. Subcontracts should be discussed in accordance with Rating Factor 3: Soundness of Approach.

*(c) Eligible Activities.* Eligible activities include:

- (i) Conducting joint investigations;
- (ii) Conducting joint investigative activities through testing, review of property records, development of strategies, interviews, etc.;
- (iii) Developing complaints for referral to HUD for action; and
- (iv) Sharing information with HUD regarding potential violations for investigation based upon complaints, data, or other sources.

*(B) Education and Outreach Initiative (EOI)*

*(1) General. (a) Initiative Description.* This initiative assists projects which inform and educate the public about their rights and obligations under the Fair Housing Act and substantially equivalent State and local fair housing laws, and educate the public about the procedures for filing claims with HUD. The activities funded under this initiative are expected to result in an increased number of referrals of credible, legitimate fair housing claims and other information regarding discriminatory practices.

*(b) Eligible Applicants.* QFHOs; FHOs; public and private non-profit organizations or institutions and other public or private entities that are formulating or carrying out programs to prevent or eliminate discriminatory housing practices; State or local governments; and FHAP Agencies. If you are a traditional civil rights organization, you are encouraged to apply under this initiative.

*(c) Eligible Activities.* The following activities are eligible for all components under this initiative, unless otherwise noted under the specific component: holding educational symposia; duplicating existing fair housing materials for distribution throughout your project area; conducting outreach and providing information on fair housing through printed and electronic media; and providing outreach to persons with disabilities and/or their support organizations and service providers, housing providers, and the general public on the rights of persons with disabilities under the Fair Housing Act. Regional/Local/Community-Based activities must use existing locally available materials. You may not develop new fair housing materials except as a supplement to existing materials and/or in languages other than English or Braille.

*(2) Regional/Local/Community-Based Program.*

*(a) General Component. (i) Component Description.* This component places special emphasis on the fair housing needs of new immigrant groups and other underserved populations.

*(ii) Eligible Applicants.* Are the same as described in Section III.(B)(1)(b), above.

*(iii) Eligible Activities.* Are the same as described in Section III.(B)(1)(c), above.

*(b) Homeownership Component. (i) Component Description.* This component focuses on education and outreach activities that improve access to homeownership for racial/ethnic minorities by addressing multiple barriers to fair housing choice (e.g., mortgage lending discrimination) and education and outreach aimed at reducing racial and other housing segregation.

*(ii) Eligible Applicants.* Are the same as described in Section III.(B)(1)(b), above.

*(iii) Eligible Activities.* Are the same as described in Section III.(B)(1)(c), above.

*(c) Disability Component. (i) Component Description.* This component focuses on the education and outreach efforts of organizations

that assist persons with disabilities to understand their fair housing rights and the forms of discrimination they confront.

(ii) *Eligible Applicants*. Are the same as described in Section III.(B)(1)(b), above.

(iii) *Eligible Activities*. Are the same as described in Section III.(B)(1)(c), above.

(3) *National Program*. (a) *Best Practices Component*. (i) *Component Description*. This component will fund a Best Practices Campaign for Fair Housing Enforcement and Education to collect prototypes of successful fair housing education and enforcement business practices and techniques which benefit underserved populations making them available to State and local governments and others.

(ii) *Eligible Applicants*. Are the same as described in Section III.(B)(1)(b), above.

(iii) *Eligible Activities*. Your program must include: (1) collecting examples of good fair housing enforcement, business practices and education techniques which benefit underserved populations, particularly non-English speaking persons and new immigrants, and (2) disseminating these best practices for use by State and local governments, fair housing organizations, housing industry groups and others. The Department encourages you to address at least one of the following statutory objectives: cooperation with real estate industry organizations; and/or dissemination of educational information and technical assistance to support compliance with the housing adaptability and accessibility guidelines contained in the Fair Housing Amendments Act of 1988.

*(C) Fair Housing Organizations Initiative (FHOI)*

(1) *Establishing New Organizations Component (ENOC)*.

(a) *Component Description*. The objective of this component is to establish new fair housing enforcement organizations in underserved areas.

(b) *Eligible Applicants*. Only QFHOs are eligible to apply under this component.

(c) *Eligible Activities*. You must propose the establishment of a new fair housing organization in an underserved area.

(2) *Continued Development Component (CDC)*

(a) *Component Description*. The objective of this component is to provide support to build the enforcement capacity of newly established fair housing enforcement organizations created under past FHOI-ENOC awards (new organizations).

(b) *Eligible Applicants*. Only new organizations previously funded as new organizations through FHOI-ENOC grants that will have expired as of June 30, 2000, are eligible for funding under this component. A list of these organizations is provided in the FHIP Appendix at the end of this program section of the SuperNOFA.

(c) *Eligible Activities*. Your application must build your enforcement capacity by proposing all or some of the following activities:

(i) Complaint intake of allegations of housing discrimination; testing, evaluating testing results or providing other investigative and complaint support for administrative and judicial enforcement of fair housing laws;

(ii) Investigations of individual complaints and systemic housing discrimination for further enforcement processing by HUD, through testing and other investigative methods;

(iii) Mediation or otherwise voluntarily resolving allegations of fair housing discrimination after a complaint has been filed; and

(iv) Costs and expenses of litigating fair housing cases, including expert witness fees.

**IV. Program Requirements**

*(A) Requirements for All Initiatives/Components.*

In addition to the requirements listed in Section II of the General Section of this SuperNOFA, you must also meet the following application requirements:

(1) *Performance Measures and Deliverables*. Your application must demonstrate how your program activities will support HUD goals, identify performance measures/outcomes in support of those goals, and identify current (baseline) conditions and target level of the performance measure that you plan to achieve. Your proposal also must contain a strategy for achieving project deliverables, with related timelines and milestones. If you are selected, your final performance measures and deliverables will be negotiated between you and HUD as part of your executed grant agreement, based upon your proposal.

(2) *Reports and Meetings On Performance Measures and Deliverables*. In your final grant report, you must describe the status of performance measures in a spreadsheet format or other manner specified by the Department [also see the reporting requirements for PEI and FHOI grants at Section IV.(B)(9), below, of this program section of the SuperNOFA]. You are required to report quarterly on the status of project deliverables against your

approved milestones and timelines and meet at least semi-annually with HUD to ensure that project activities satisfy grant requirements.

(3) *Single Award Limitation/Preference Must be Stated*. (a) Except as provided in paragraph (b) of this section, you may apply for funding under more than one component for which you are an eligible applicant, but you may receive only one award under this program section of the SuperNOFA. If you apply for funding under more than one component, you must state your priority for selection and submit your preference in your application. If you fail to submit your preference, your application will be ineligible.

(b) The requirements of paragraph (a) of this section do not apply to the components listed in this paragraph. In addition to the single award for which you are eligible under paragraph (a) of this section, if you are an eligible applicant for the following components, you may also apply for, and are eligible to receive:

(i) An FHOI-Establishing New Organizations Component (ENOC) award, and/or

(ii) One EOI-National Program award.

(4) *Independence of Awards*.

Although there is no limitation on the number of applications that you may submit, each project or activity proposed in an application must be independent and capable of being implemented without reliance on the selection of other applications submitted by you or other applicants. This provision does not preclude you from submitting a proposal which includes other organizations as sub-recipient.

(5) *Project Starting Period*. For planning purposes, assume a start date no later than September 30, 1999.

(6) *Page Limitation*. The narrative response for each of the five rating factors for award is limited to ten pages (this does not include forms or documents which are required under each factor). Pages exceeding that limit will not be evaluated. Furthermore, unrequested items, such as brochures and news articles, will not be considered. You should respond to each factor. Failure to provide narrative responses to all factors will result in your application not receiving points for the information omitted, which may significantly affect your application score.

(7) *Training*. Your proposed budget must include a training set-aside of \$3,000 for single-year projects and \$6,000 for multi-year projects. HUD will permit recipients to use these funds to

attend both HUD-sponsored and HUD-approved training.

(8) *Payment Contingent on Completion.* Payments including multi-year award increments, are contingent on the satisfactory completion of your project activities and deliverables as called for in your grant agreement.

(9) *Accessibility Requirements.* All activities and materials funded by this Program must be accessible to persons with disabilities [24 CFR 8.4, 8.6, and 8.54].

(10) *Copyright Materials.* You may copyright any work that is subject to copyright; however, HUD reserves the right to reproduce, publish, or otherwise use your work for Federal purposes, and to authorize others to do so as outlined in 24 CFR 84.36.

(11) *Ineligible Applications.*

(a) If you fail to meet the requirements set forth in Section II of the General Section of this SuperNOFA, your application will be ineligible for funding.

(b) *Award Caps.* If you exceed the award cap for the component for which you are requesting funding, your application will be ineligible.

(c) *Research Activities.* Projects aimed solely or primarily at research or dependent upon such data-gathering, including but not limited to surveys and questionnaires, are not eligible for funding.

(d) *Non-Profit Status.* If you are applying under the PEI and FHOI Initiatives, you must submit documentation with your application that, as of the application due date of this program section of the SuperNOFA, you are a 501(c)(3) tax-exempt organization as determined by the Internal Revenue Service. Failure to submit this documentation with your application will be treated as a technical deficiency as discussed in Section V of the General Section of this SuperNOFA.

(e) *JEP Component.* You must include in your JEP application a memorandum of understanding (MOU) from all project participants describing the signatories's duties and responsibilities. The MOU must be signed by an official of each project organization who is authorized to make commitments on behalf of the participating organization. If you fail to submit this documentation with your application, you will be ineligible.

(f) *Single Award Limitation/Preference Must be Stated.* If your application does not state a funding preference as required by Section IV.(A)(3), above, of this program section of the SuperNOFA, your application will be ineligible.

(12) *Ineligible Activities.*

(a) *Fair Housing and Free Speech.* None of the amounts made available under this SuperNOFA may be used to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a government official or entity, or a court of competent jurisdiction.

(b) *Suits Against the United States.* No recipient of assistance under this program may use any funds provided by HUD for the payment of expenses in connection with litigation against the United States (24 CFR 125.104(f)).

(13) *Program Definitions.* The definitions that apply to this FHIP section of the SuperNOFA are as follows:

*Enforcement actions* includes charges issued under the Fair Housing Act, settlements with relief equivalent to or greater than what HUD would seek had a charge been issued; settlements with relief for a broad class of victims; referrals to the Department of Justice (DOJ) where it has legal authority to take further action: zoning and land use cases [42 U.S.C. 3614(b)]; pattern and practice cases [42 U.S.C. 3614(a)]; requests for prompt judicial action; [42 U.S.C. 3610(e)]; and allegations of criminal violations of the Fair Housing Act (42 U.S.C. 3631).

*Enforcement proposals* are potential complaints under the Fair Housing Act which are timely, jurisdictional, and well developed which could reasonably be expected to become an enforcement action if an impartial investigation finds evidence supporting the allegations and the case proceeds to a resolution with HUD involvement.

*Fair Housing Assistance Program (FHAP) Agencies* means State and local agencies which administer laws substantially equivalent to the Fair Housing Act, as described in 24 CFR part 115.

*Fair Housing Enforcement Organization (FHO)* means an organization engaged in fair housing activities as defined in 24 CFR 125.103.

*Meritorious Claims* means enforcement activities by an organization as defined in 24 CFR 125.103.

*Qualified Fair Housing Enforcement Organization (QFHO)* means an organization engaged in fair housing activities as defined in 24 CFR 125.103.

*Regional/Local/Community-Based Activities* are defined at 24 CFR 125.301(d).

*Traditional Civil Rights Organizations* means non-profit organizations or

institutions and/or private entities with a history and primary mission of securing Federal civil rights protection for groups and individuals protected under the Fair Housing Act and substantially equivalent State or local laws and which are engaged in programs to prevent or eliminate discriminatory housing practices.

*Underserved areas* means jurisdictions where no public or private fair housing enforcement organizations exist or which are not sufficiently served by one or more public or private enforcement fair housing organizations, and which contain large concentrations of protected classes.

*Underserved populations* means protected class members among new immigrant populations (especially ethnic minorities who are not English speaking) rural populations, persons with disabilities and the homeless that can be documented as historically not having been the focus of Federal, State or local fair housing enforcement efforts.

(B) *Requirements For Private Enforcement Initiative and Fair Housing Organizations Initiative*

(1) *Broad-Based and Full Service Projects.* If you are applying under the Private Enforcement Initiative (PEI) and Fair Housing Organizations Initiative (FHOI), your activities must be broad-based and full service enforcement projects that address discrimination against persons protected by the Fair Housing Act. Furthermore, your activities must contribute in measurable ways to HUD's commitment to increase its number of enforcement actions. Full service projects must include more than one type of the following enforcement related activities in your project proposal: interviewing potential victims of discrimination; analyzing housing-related issues; intaking complaints; testing; evaluating testing results; conducting preliminary investigations; conducting mediation; enforcing meritorious claims through litigation or referral to administrative enforcement agencies; and disseminating information about fair housing laws. "Broad-based" projects are not limited to a single fair housing issue, instead they cover multiple issues related to housing discrimination covered under the Fair Housing Act, such as: rental, sales and financing of housing.

(2) *Non-Profit Status.* If you are applying under the PEI and FHOI Initiatives, you must submit documentation with your application that, as of the application due date of this program section of the SuperNOFA, you are a 501(c)(3) tax-exempt organization as determined by the Internal Revenue Service. Failure to



submit this documentation with your application will be treated as a technical deficiency as described in Section V. of the General Section of this SuperNOFA.

(3) *Mandatory Referrals.* You are required to refer to HUD all cases arising from FHIP-funded audit testing. In all FHIP-funded cases where you find a basis for filing a complaint with a bona fide complainant other than your organization, you must file the complaint with HUD unless, consistent with the Act, the complainant refuses, in writing, to do so. In addition to filing with HUD, a bona fide complainant may file in Federal or State Court.

(4) *Outreach Expenses.* Your budget may designate up to 5% of requested funds for education and outreach to promote awareness of services available, if the education activities are necessary for the successful implementation of your project.

(5) *Tester Requirements.* Testers in your FHIP-funded testing activities must not have prior felony convictions or convictions of crimes involving fraud or perjury. All testers must receive training or be experienced in testing procedures and techniques. Testers and the organizations conducting tests, and the employees and agents of these organizations may not:

(a) Have an economic interest in the outcome of the test, without prejudice to the right of any person or entity to recover damages for any cognizable injury;

(b) Be a relative of any party in a case;

(c) Have had any employment or other affiliation, within one year, with the person or organization to be tested; or

(d) Be a licensed competitor of the person or organization to be tested in the listing, rental, sale, or financing of real estate.

(6) *Testing Experience.* When proposing testing other than rental or accessibility testing, you must document, to HUD's satisfaction, that at minimum you have conducted successful rental testing. Documentation of your experience must include, a general description of: when and where tests occurred, the entities tested, and the overall results of the tests, including complaints filed and settlements or remedies secured. You must include copies of testing methodologies and training materials used. The testing methodology and procedures will remain confidential for enforcement purposes.

(7) *Review and Approval of Testing Methodology.* If your Statement of Work proposes testing, other than rental testing, HUD reserves the right to require as a deliverable to be reviewed and approved by HUD prior to your

carrying out the testing activities: (a) The testing methodology to be used, and (b) the training to be provided to testers. Your testing methodology and procedures will remain confidential for enforcement purposes.

(8) *Conflict of Interest and Use of Settlement Funds Certifications.*

(a) You must certify you will not solicit funds from or seek to provide fair housing educational or other services or products for compensation, directly or indirectly, to any person or organization which has been the subject of FHIP-funded testing by you during the 12 month period following the test. This does not preclude settlement based on investigative findings. HUD reserves the right to negotiate with awardees additional provisions addressing potential conflicts of interest.

(b) You must certify that any compensation you receive directly or indirectly from a settlement, conciliation, or award of damages as a result of activities funded under this SuperNOFA, will be used only to carry out activities specifically authorized under your cooperative agreement/grant agreement or to carry out other activities approved by HUD.

(9) *Reports.* You must provide reports in a format (which may be computer generated), at a frequency and with contents specified by HUD. Your report must include: the number and basis of claims/complaints filed with HUD or in Federal/State court, the number and terms of settlements or other outcomes achieved. The terms of settlements ordered by a court or other tribunal to be kept confidential need not be produced.

(10) *Enforcement Log.* You are required to record information about the funded project in a case tracking log (or Fair Housing Enforcement Log) to be supplied by HUD. Such information must include: the number of complaints of possible discrimination you have received; the protected basis of these complaints; the issue, test type, and number of tests utilized in the investigation of each allegation; the respondent type and testing results; the time for case processing, including administrative or judicial proceedings; the cost of testing activities and case processing; to whom the case was referred; and the resolution and type of relief sought and received. You must agree to make this log available to HUD. This log will be considered confidential for enforcement purposes.

(C) *Additional Requirements for Private Enforcement Initiative*

(1) Your proposal must include a description of the enforcement proposals to be referred to HUD to

increase enforcement actions. Therefore, you must state what information you intend to collect and analyze, the kind and number of complaints you anticipate referring to HUD for enforcement purposes, and a method for referring such complaints. Your application should explain how you plan to structure tests, train investigators, conduct investigations, etc. This description should make clear the safeguards to be used to ensure that complaints referred to HUD for enforcement action are fully jurisdictional under the Act and supported by credible and legitimate evidence that the Act has been violated.

(2) Neither you nor any sub-recipient are permitted to charge or claim credit for any activities performed under the FHIP Program toward any other Federal project/funds. For example: If you receive a PEI-JEP award and you are a FHAP agency, you will not be able to count any cases/referrals arising under an approved project toward your FHAP case processing calculations.

(3) *PEI-General Multi-Year Component.* If you apply for this component as a single or partnership project the amount awarded will vary as noted in Section II.(A)(1), Amount Allocated, above in this program section of the SuperNOFA. A higher award cap is allocated for partnership projects. If you are submitting a partnership proposal you must meet the following requirements:

(a) You must designate a single organization with responsibility for administering the grant and overseeing project activities which must be the organization submitting the application.

(b) All members of your partnership must be identified in your application with the duties and responsibilities for each partner described fully.

(c) All partnership members must meet the eligibility requirements of this initiative (see Section III.(A)(1)(b), eligible applicants for PEI), and

(d) Your application must make clear you are submitting a partnership proposal.

(D) *Additional Requirements for Education and Outreach Initiative National Program and Regional/Local/Community-Based Program*

(1) All projects must address housing discrimination based on race, color, religion, sex, disability, familial status, or national origin.

(2) Your proposal must contain a description of how your activities or your final products can be used by other agencies and organizations. If modifications are necessary for use by others, describe the modifications.

(3) Your proposal must describe the referral process and list in the Statement of Work the projected referrals to be submitted to HUD.

(E) *Additional Requirements for Fair Housing Organizations Initiative: Establishing New Organizations Component ENOC.* You must propose the establishment of a new fair housing enforcement organization in an underserved area. You must provide a justification for why the target project area is underserved. Your justification must include data and studies that indicate the presence of housing discrimination, segregation and/or other indices of discrimination in the locality based upon race, color, religion, sex, national origin, familial status, or disability.

## V. Application Selection Process

### (A) Rating and Ranking

(1) Your application for funding will be evaluated competitively under one of the following components:

(a) Private Enforcement Initiative (PEI):

(i) General Multi-Year Component;  
(ii) Joint Enforcement Project Component;

(b) Education and Outreach Initiative (EOI):

(i) Regional/Local/Community-Based Program:

(1) General Component;  
(2) Homeownership Component;  
(3) Disability Component;  
(ii) National Program:  
(1) Best Practices Component;  
(c) Fair Housing Organizations

Initiative (FHOI):

(i) Establishing New Organizations Component;

(iii) Continuing Development Component.

(2) You will be awarded points and assigned a score based on the Factors for Award. After eligible applications are evaluated against the factors for award and assigned a score, they will be ranked in order by score. A minimum score will be established below which applications will not be considered to be of sufficient quality for funding. This score (based upon review of the applications by applying the factors for award) will identify applications that will not effectively achieve the objectives of this SuperNOFA. This score will vary based upon the overall quality of the proposals received in each program or component, but will be set within 30 percentage points of the average score of all proposals that are scored in that program or component. The Rating Factor requirements listed in the General Section of this SuperNOFA

are applicable to applicants applying for funding under this Program.

(3) *Tie Breaking.* When there is a tie in the overall score, the applicant with the higher score under Rating Factor 3: Soundness of Approach will be ranked higher. If the applications are equal in this respect, the application that receives a total higher number of points under Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience will be ranked higher. If these scores are identical then the applicant with the lower request for FHIP funding will be ranked higher.

### (B) Selections

(1) *In general.* Except as noted in paragraph (2) "Achieving Diversity of Awards," proposals of sufficient quality to be funded will be funded in rank order until all available funds have been obligated or until no applications of sufficient quality remain. The final decision rests with the selecting official—the Assistant Secretary for Fair Housing and Equal Opportunity, or designee.

(2) *Achieving Diversity of Awards.* The selecting official shall have discretion to pass over applicants in funding a component in accordance with the funding diversity or geographic diversity procedure or both procedures. If the selecting official decides to use any of these procedures, the selecting official shall apply that procedure equally to all applicants. If the selecting official opts to use both procedures, he/she will use the funding diversity procedure first, and then apply the geographic diversity procedure. These procedures are applied component-by-component. No shifting of leftover funds from a component will occur until all applications of sufficient quality in that component are awarded funds.

(a) *Funding Diversity.* The selecting official may pass over applicants to provide broader representation among funded entities. For any component in which the Selecting Official decides to use this procedure, the selecting official will pass over applicants who have received two FHIP SuperNOFA grants in the past five years in favor of lower ranked applications of sufficient quality to be funded who have not received two FHIP SuperNOFA grants in the past five years. Prior receipt of an ENOC award will not be included in determining whether an applicant received two grants in the past five years. Passed over applications of sufficient quality will be placed at the bottom of the ranking list of applications of sufficient quality for the component, but will be placed in rank order among passed over applications. Once applications of

sufficient quality to be funded are reordered to reflect the funding diversity procedure, the selecting official shall proceed in one of two ways:

(i) The selecting official may apply the geographic diversity procedure to all applications of sufficient quality, or

(ii) The selecting official may not apply geographic diversity and award funds to applicants based on their rank order except that passed over applicants are funded in rank order after all other applicants of sufficient quality are funded, until funds are exhausted or there are no more applications of sufficient quality to be funded.

(b) *Geographic Diversity.* To provide for broader geographic representation among funded projects, the selecting official will have the discretion to pass over an applicant where there is more than one applicant located in a Metropolitan Statistical Area (MSA), as defined by the Bureau of the Census. If the selecting official decides to use this procedure in a component, the selecting official will select from the applications of sufficient quality to be funded the highest ranked applicant in each MSA, once applications of sufficient quality have been reordered to reflect the funding diversity procedure. If funding diversity has been applied, this is the highest ranked applicant in each MSA that was not passed over in that procedure. Passed over applications of sufficient quality will go to the bottom of the ranking list of applications of sufficient quality to be funded for the component, but will be placed in rank order among passed over applications, whether passed over for funding or geographic diversity. If additional funds remain in the component after funding the highest ranked applicant in each MSA, the selecting official shall proceed in one of two ways:

(i) The selecting official may decide to apply geographic diversity to the passed over applicants, to the extent that additional funds remain. If, after applying geographic diversity a second time, additional funds still remain, the remaining funds will be awarded based on the rank order of any remaining applications of sufficient quality to be funded, irrespective of MSA.

(ii) If the selecting official opts not to apply geographic diversity a second time, then remaining funds shall be awarded to passed over applicants based on their rank order until funds are exhausted.

### (C) Priority for Shifting Left Over Funds

If after all applications within funding range have been selected in a initiative/component and leftover funds remain

available, the selecting official or designee will have the discretion to shift leftover funds in rank order within and between initiatives/components as follows:

(1) First, within initiatives:

(a) For PEI and EOI, leftover funds from any component will be shifted to the General Component;

(b) For FHOI, leftover funds from ENOC will be shifted to CDC.

(2) Second, between initiatives: if after shifting funds, as noted above, leftover funds remain, those funds will be shifted to the PEI-Multi-Year General Component.

*(D) Factors for Award Used To Evaluate and Rate All Applications Except the National Program of the Education and Outreach Initiative*

The factors for rating and ranking applicants and the maximum points for each factor, are provided below. The maximum number of points to be awarded any application is 102. This includes two EZ/EC bonus points, as described in the General Section of the SuperNOFA.

**Rating Factor 1: Capacity of Applicant and Relevant Organizational Experience (20 Points)**

This factor addresses the extent to which you have the organizational resources necessary to successfully implement your proposed activities in a timely manner. In rating this factor HUD will consider the extent to which your proposal demonstrates:

(1) (10 points) Specific Description of Staff for Proposed Activities.

(a) The knowledge and experience of your proposed project director and staff, including the day-to-day program manager, consultants and contractors in planning and managing programs for which you're requesting funding. Experience will be judged in terms of recent, relevant and successful experience of you and your staff to undertake eligible program activities.

(b) Whether there is sufficient personnel or you will be able to quickly access qualified experts or professionals to deliver the proposed activities in a timely and effective fashion, and your readiness and ability to immediately begin your proposed work program. To demonstrate there is sufficient personnel, you must submit the proposed number of staff years for your proposed employees and experts, the titles and relevant professional background and experience of each employee and expert proposed, and the roles to be performed by each. You should identify the key personnel in your Statement of Work, as discussed in

Rating Factor 3: Soundness of Approach.

(2) (10 points for either (a) or (b)) Specific Description of Experience Relevant to the Proposed Activities.

(a) Your past grant experience in terms of your ability to attain demonstrated measurable progress in the implementation of your most recent activities where performance has been assessed as measured by expenditures and progress in achieving the purpose of the activities. HUD will also consider any evidence it has in its files of your failure under past awards to comply with grant award provisions; or

(b) If you have not received funding in the past, your demonstration of experience in managing programs, and carrying out management responsibilities for programs similar in scope or nature to the work activities proposed. Therefore, if you have managed large, complex, interdisciplinary programs, or work similar in scope or complexity to your proposed program, you should include that information in your response.

**Rating Factor 2: Need/Distress/Extent of the Problem (25 Points)**

This factor addresses the extent to which there is a need to fund your proposed activities and an indication for the urgency of meeting the need in your target area. In addition, if you are applying under the General Components of PEI and/or EOI, you should address the fair housing needs of new immigrants and other underserved populations as defined in Section IV.(A)(11) of this program section of the SuperNOFA. In rating this factor, HUD will consider the extent to which you demonstrate:

(1) (15 points) Documentation of Need. The level of need for your project activities in your target area, including the needs of new immigrants and other underserved populations (under the EOI-General and PEI-General Components), and the urgency in meeting the need using statistics and analyses contained in a data source(s) that is sound and reliable. You should analyze the level of need for your proposed activities and document the level of need in the specific area where your activities will be carried out. Attention must be paid to documenting need where activities will be targeted, rather than the entire locality or State. If your target area is an entire locality or State, then documenting need at this level is appropriate. Your proposal may reference the extent to which your community's Consolidated Plan (CP) and Analysis of Impediments to Fair Housing Choice (AI) identify the level of

the problem and urgency of need. In addition, your proposal should reference the extent to which project activities will affirmatively further fair housing (AFFH), by describing how proposed activities will assist in overcoming impediments to fair housing choice identified in the jurisdiction's AI (Analysis of Impediments to Fair Housing Choice), which is a component of the jurisdiction's Consolidated Plan (CP), or other planning document that addresses fair housing issues. Additional examples of how you may document need may be obtained from Chapter 5 of the "Fair Housing Planning Guide, Vol. 1," use of HUD reports and analyses, relevant economic and/or demographic data including indices of segregation in areas by race or national origin, government or foundation reports and studies, news articles, and other information which relate to your proposed activities.

In evaluating this sub-factor for applications submitted under the General Components of PEI and EOI, five of the 15 points will be awarded to proposals which address the needs of underserved populations, as defined in Section IV.(A)(11) of this program section of the SuperNOFA. When describing the need of underserved populations, you should include: (a) the extent to which there is an urgent and/or unmet need for undertaking eligible activities aimed at underserved populations in the area to be served, and (b) a strategy for providing fair housing services to these populations.

(2) (10 points) Rationale for Proposed Activities and Methods. The extent to which your proposal provides a rationale for how the proposed activities and methods most effectively deal with the need you described in responding to the preceding sub-factor. You should discuss how you took into account existing and planned efforts of government agencies, community-based organizations, faith-based institutions, for-profit firms, and other entities to address such needs in the community(ies) to be served, how the proposed program complements or supplements existing efforts and why additional funds are being requested.

**Rating Factor 3: Soundness of Approach (35 Points)**

This factor addresses the quality and cost-effectiveness of your proposed Statement of Work. You must show a clear relationship between your proposed activities, community needs and the purpose of the program funding in order to receive points for this factor. In addition, HUD has pledged to substantially increase its enforcement

actions, and all projects funded under this SuperNOFA shall contribute to the accomplishment of this goal. In evaluating your response to this rating factor, HUD will consider the extent to which your proposal demonstrates:

(1) (15 points) Description of Proposed Activities. How your proposed activities will result in the referral of enforcement proposals to HUD as demonstrated by the number projected in your proposal and method used to obtain that projection. Specifically, your projection should relate to cases being referred to HUD during the period of performance of the grant from activities you will perform under your award. In responding to this factor, describe the methods to be developed or used to identify and refer enforcement proposals to HUD, how you derived your projected number of referrals and the relationship to your proposed activities. If your past activities have resulted in successful enforcement proposals being referred to HUD, describe these actions and the outcome of such referrals.

Examples of enforcement proposals include:

(i) Allegations that are supported by evidence that meet the requirements for a filed complaint under the Fair Housing Act, including prima facie evidence, with or without related testing evidence;

(ii) Results of testing or audits demonstrating potential housing discrimination;

(iii) Well-developed analysis of data including Home Mortgage Disclosure Act (HMDA), Community Reinvestment Act (CRA) Analyses, Census data, current studies of residential segregation, or other similar documentation supporting allegations of discrimination; and

(iv) Referrals of claims to HUD on behalf of individuals or groups other than your organization.

(b) Your application must provide a basis for your specific activities relating to enforcement proposal referrals to HUD and your projected number of enforcement proposal referrals that are described in your Statement of Work. Your final performance measures for enforcement proposal referrals will be negotiated between you and HUD as part of the executed grant agreement and will be based upon your proposal.

(2) (10 points) Statement of Work. Additionally, HUD is looking for an efficient, effective and feasible Statement of Work that:

(a) Describes in broad terms the design and objectives of your proposal, including the geographic area to be served; the protected classes to be

served; end product(s); program improvements to be achieved; total number of staff needed to complete all proposed activities and projected referrals to HUD; key personnel by years of experience, name and function; and the number of referrals for enforcement you expect to refer to HUD. You must also describe how program objectives for the component for which you are seeking funding will be met (e.g., enforcement efforts (PEI); education and outreach (EOI); creating or building a fair housing capacity organization (FHOI));

(b) Outline in chronological order your administrative and program tasks to be performed and the duration of the project. Your outline should identify all tasks and sub-tasks to be performed and by whom, i.e., you or a sub-recipient; deliverables which will be provided to HUD and when; and technically competent methodologies you will use to carry out these tasks.

(3) (10 points) Budget and Financial Controls. HUD also will assess the soundness of your approach by evaluating the following:

(a) The quality, thoroughness and reasonableness of the cost estimates provided. As part of your response, a summary budget should be provided which identifies costs by category in accordance with the following:

(i) *Direct Labor* by position or individual, indicating the estimated hours per position, the rate per hour, estimated cost per staff position and the total estimated direct labor costs;

(ii) *Fringe Benefits* by staff position, identifying the rate, the salary base the rate was computed on, estimated cost per position, and the total estimated fringe benefit cost;

(iii) *Material Costs* indicating the item, unit cost per item, the number of items to be purchased, estimated cost per item, and the total estimated material costs;

(iv) *Transportation Costs*, as applicable. Where a local private vehicle is proposed to be used, costs should indicate the proposed number of miles, rate per mile of travel identified by item, and estimated total private vehicle costs. Where air transportation is proposed, costs should identify the destination(s), number of trips per destination, estimated air fare and total estimated air transportation costs. If other transportation costs are listed, you should identify the other method of transportation selected, the number of trips to be made and destination(s), the estimated cost, and the total estimated costs for other transportation costs;

(v) *Per diem*, as applicable. You should identify per diem or subsistence

costs per travel day and the number of travel days included, the estimated costs for per diem/subsistence and the total estimated transportation costs. You should use the Federal Travel Regulation for per diem rate for cities listed under "Transportation Costs" in your cost estimate;

(vi) *Equipment charges*, if any. Equipment charges should identify the type of equipment, quantity, unit costs and total estimated equipment costs;

(vii) *Consultant Costs*, if applicable. Indicate the type, estimated number of consultant days, rate per day, total estimated consultant costs per consultant and total estimated costs for all consultants;

(viii) *Subcontract Costs*, if applicable. Indicate each proposed individual subcontract and amount. Each proposed subcontract should include a separate budget which identifies proposed costs by cost categories. In addition, your project budget should include any costs related to subcontract(s) with FHAP agencies and traditional civil rights organizations which account for activities related to the sub-recipient's role in the project. A separate detailed budget for each subcontract should be included in the application. If you have selected sub-recipients or are submitting a joint application with one partner serving as a lead applicant, you must provide the actual subcontract costs;

(ix) *Other Direct Costs* listed by item, quantity, unit cost, total for each item listed, and total direct costs for the award;

(x) *Indirect Costs* should identify the type, approved indirect cost rate, base to which the rate applies and total indirect costs.

(b) The rationale used to determine costs and validation of fringe and indirect cost rates, if you are not using an accepted, Federally negotiated indirect cost rate;

(c) The extent to which your program is cost effective in achieving the anticipated results of your proposed activities as well as in achieving significant community impact; and

(d) The extent to which you demonstrate capability in handling financial resources with adequate financial control procedures and accounting procedures. HUD will consider items such as findings identified in your most recent audits, internal consistency in the application of numeric quantities, accuracy of mathematical calculations and other available information on financial management capability.

**Rating Factor 4: Leveraging Resources (10 Points)**

This factor addresses your ability to secure community resources (Note: financing is a community resource) which can be combined with HUD's program resources to achieve program purposes. In other words, to what extent can you get groups in the community to work with you. In evaluating this factor HUD will consider:

(1) (5 points) Extent to Which Applicant Has Secured Other Resources. The extent to which local groups will provide additional resources to increase the effectiveness of the proposed activities. Resources may include funding or in-kind contributions, such as services or equipment, allocated to the purpose(s) of your proposal. Resources may be provided by governmental entities, public or private non-profit organizations, for-profit private organizations, or other entities willing to work with you. You may also work with other FHIP-funded recipients to coordinate the use of resources in your project area.

(2) (5 points) Evidence of Firm Commitment of Leveraging. The extent to which there is evidence of leveraging. You can establish this by providing letters of firm commitment; memoranda of understanding (MOU); or agreements to participate from those entities identified as partners in your application. Each letter of commitment, memorandum of understanding, or agreement to participate should: (a) identify the organization, (b) describe the proposed level of commitment, (c) outline the responsibilities as they relate to your proposal, and (d) be signed by an official of the organization legally able to make commitments on behalf of the organization. If you are applying under the PEI-JEP you must submit a memorandum of understanding in support of your leveraged partnership.

**Rating Factor 5: Comprehensiveness and Coordination (10 Points)**

This factor addresses the extent to which you coordinate your activities with other organizations in the project area, participate or promote participation in the project area's Consolidated Planning process (including Analysis of Impediments to Fair Housing Choice), and are creating linkages with other activities in the community. In other words, to what extent are you working with others to address community needs in your project area. In evaluating this factor, HUD will consider the extent to which you demonstrate:

(1) Project activities will reach your targeted audience. This includes a discussion of how: (a) your methods or approaches will ensure that project activities and materials are made available to local groups and organizations, and (b) the project can enhance the activities or work in tandem with such groups or organizations in your project area. At a minimum, your application should discuss procedures you will use to promote awareness of the services provided by your proposal.

(2) Project activities will make communities and organizations in your project area aware of opportunities for linking activities with:

(a) Other proposed or on-going HUD-funded program activities;

(b) Other proposed or on-going State, Federal, local or privately funded activities which, taken as a whole, support and sustain a comprehensive system to address the purpose of these programs; and

(c) Other activities being undertaken to address barriers to housing choice identified in the Consolidated Plan's Analysis of Impediments to fair housing choice.

***(E) Factors for Award Used To Evaluate and Rate Applications for the National Education and Outreach Initiative Program***

The factors for rating and ranking applicants and the maximum points for each factor, are provided below. The maximum number of points to be awarded any application is 102. This includes two EZ/EC bonus points, as described in the General Section of the SuperNOFA.

**Rating Factor 1: Capacity of Applicant and Relevant Organizational Experience (20 Points)**

This factor addresses the extent to which you have the organizational resources necessary to successfully implement your proposed activities in a timely manner, and your ability to collect or make available prototypes of successful fair housing education and enforcement business practices and techniques, as appropriate, on a national scale. The rating of your organization and staff for technical merit or threshold compliance, unless otherwise specified, will include any consultants, sub-recipients, and partners that are firmly committed to the project. In rating this factor, HUD will consider the extent to which your application demonstrates:

(1) (5 points) General Description of Applicant Organization and Relevant Experience.

(a) The eligibility and qualifications of your organization; the type of organization (e.g., public, private, non-profit, for profit); and your general areas of activity or line of business;

(b) Your management of large, complex, interdisciplinary projects;

(c) Awards and major accomplishments of your organization. HUD may also consider any documented evidence, such as performance reviews, newspaper articles, or monitoring findings, that may reflect positively or negatively upon your ability and the proposed staff's ability to perform the work;

(d) Your ability to handle financial resources with adequate financial control procedures and accounting procedures. In addition, HUD will consider findings identified in your most recent audits; internal consistency in the application of numeric quantities; accuracy of mathematical calculations; and other available information on financial management capability.

(2) (10 points) Specific Description of Staff for Proposed Activities. Whether you have sufficient personnel or will be able to quickly access qualified experts or professionals to deliver your proposed activities in a timely and effective fashion, including your readiness and ability to immediately begin your proposed work program; the knowledge and experience of your overall proposed project director and staff, including the day-to-day program manager, consultants and sub-recipients in planning and managing programs for which funding is being requested. To demonstrate that you have sufficient personnel, you must submit the proposed number of staff hours for your employees and experts allocated to your project, the titles and relevant professional background and experience of each employee and expert proposed to be assigned to your project, and the roles to be performed by each identified employee and expert. Experience will be judged in terms of at least two years' worth of recent and relevant experience to undertake eligible program activities or projects similar in scope or nature and directly relevant to your work activities proposed.

(3) (5 points) Specific Description of Experience Relevant to the Proposed Activities. Demonstrated past experience(s) in collecting, analyzing and making available prototypes of successful fair housing education and enforcement business practices and techniques, as appropriate, on a national scale. You must describe your ability to understand fair housing enforcement-related issues/policies/practices which influence discriminatory housing

practices. In responding to this rating factor, it will be especially helpful to describe your past experiences with developing and implementing innovative strategies and the results of those efforts. The rating of this factor for technical merit will include any consultants, sub-recipients, and partners that are identified as participants in your project. If you have or are currently receiving funding under FHIP, you should list and provide the status of your previous referrals of enforcement proposals to HUD, especially those made during FY 1998 and a list of cases referred to HUD for joint enforcement.

**Rating Factor 2: Need/Distress/Extent of the Problem (25 Points)**

This factor addresses the extent to which you document and address the national need for educating immigrant and other underserved populations about their fair housing rights and ensure that enforcement mechanisms address the specific types of discrimination they encounter. You should state which activities and methods you intend to address, and how your proposal offers the most effective approach for dealing with that national need. In responding to this factor, you will be evaluated on the following:

(1) (15 points) Documentation of Need. The extent to which you describe and document the national need you intend to address, and demonstrate a grasp of the elements of the problem and its pervasiveness at the national level. Your description of the national need will be used to evaluate the depth of your understanding of the problem as an indication of your ability to address the problem; and

(2) (10 points) Rationale for Proposed Activities and Methods. The extent to which you provide a rationale for how your proposed activities and methods most effectively deal with the national need described in response to sub-factor (1), above.

**Rating Factor 3: Soundness of Approach (35 Points)**

This factor addresses the quality and cost-effectiveness of your proposed Statement of Work. In evaluating this factor, HUD will consider the extent to which:

(1) (15 Points) Description of Proposed Activities. Your proposed activities will be conducted in a manner (e.g., languages, formats, locations, distribution, use of minority media) to reach and benefit all members of the public, especially underserved populations; and proposed activities will yield long-term results and

innovative strategies or "best practices" that can be readily disseminated to other organizations and State and local governments.

(2) (10 Points) Statement of Work. Applications include Statement of Work that:

(a) Clearly describe your specific tasks and sub-tasks to be performed; the sequence in which the tasks are to be performed, noting areas of work which must be performed simultaneously; estimated completion dates; and program deliverables to be completed within the grant period, including specific numbers of quantifiable end products and program improvements you intend to deliver by the end of the award agreement period as a result of the work performed;

(b) Provide national coverage and identify the protected class focus of the project, and serve the needs of new immigrants and underserved populations; and

(c) Describe the immediate benefits of your proposal and how you will measure the benefits. You must describe the methods you will use to determine the effectiveness of your proposed activities and benefits achieved to receive points.

(3) (10 Points) Budget and Financial Controls. You must include proposed budgets that demonstrate:

(a) Cost estimates, salary levels, staff assignments, number of staff hours, and other budget items are reasonable, allowable, and appropriate for your proposed activities.

(b) Your proposed program is cost effective in achieving its anticipated results, as well as in achieving significant impact.

**Rating Factor 4: Leveraging Resources (10 Points)**

This factor addresses your ability to secure community resources (Note: financing is a community resource) which can be combined with HUD's program resources to achieve program purposes. In other words, to what extent can you get others to work with you. In evaluating this factor HUD will consider:

(1) (5 points) Extent to Which Applicant has Secured Other Resources. The extent to which others will provide additional resources to increase the effectiveness of your proposed project activities. Resources may include funding or in-kind contributions, such as services or equipment allocated to the purpose(s) of your proposal. Resources may be provided by governmental entities, public or private non-profit organizations, for-profit private organizations, or other entities willing

to work with you. You may also work with other FHIP-funded recipients to coordinate the use of resources in the project area.

(2) (5 points) Evidence of Firm Commitment of Leveraging. The extent to which there is evidence of leveraging. You can establish this by providing letters of firm commitment; memoranda of understanding; or agreements to participate from those entities identified as partners in your application. Each letter of commitment, memorandum of understanding, or agreement to participate should: (a) identify the organization, (b) describe the proposed level of commitment, (c) outline the responsibilities as they relate to the proposed project, and (d) be signed by an official of the organization legally able to make commitments on behalf of the organization.

**Rating Factor 5: Comprehensiveness and Coordination (10 Points)**

This factor addresses the extent to which you coordinate your activities with other organizations in your project area, and are creating linkages with other activities in your project area. In other words, to what extent are you working with others to address needs in your project area. In evaluating this factor, HUD will consider the extent to which you demonstrate:

(1) Project activities will reach your targeted audience. This includes a discussion of how: (a) your methods or approaches will ensure that project activities and materials are made available to local groups and organizations, and (b) the project can enhance the activities or work in tandem with such groups or organizations in your project area. At a minimum, your application should discuss procedures you will use to promote awareness of services provided by your proposed project.

(2) Project activities will make communities and organizations in your project area aware of opportunities for linking activities with:

(a) Other HUD-funded programs activities, proposed or on-going; or (b) Other proposed or on-going State, Federal, local or privately funded activities which, taken as a whole, support and sustain a comprehensive system to address the purpose of these programs.

**(F) Applicant Notification and Award Procedures**

(1) *Notification.* No information will be available to you during the period of HUD evaluation, approximately 90 days, except for notification in writing or by telephone if HUD determines your

application is ineligible or has correctable deficiencies (as described in Section V. of the General Section of the SuperNOFA). Selections will be announced by HUD upon completion of the evaluation process and will be subject to final award negotiations of award.

(2) *Negotiations.* After HUD has ranked the applications and provided notifications to those selected, HUD will require selected applicants to participate in negotiations to determine the specific terms of the cooperative or grant agreement. HUD will follow the negotiation procedures described in Section III.(D) of the General Section of the SuperNOFA.

(3) *Funding Instrument.* HUD expects to award a cost reimbursable or fixed-price cooperative or grant agreement to each successful applicant. HUD reserves the right, however, to use the form of assistance agreement determined to be most appropriate after negotiation with the selected applicants.

(4) *Adjustments to Grant Amounts.* As provided in Section III.(E) of the General Section of the SuperNOFA, HUD may approve an application for an amount lower than the amount requested, fund only portions of an application, withhold funds after approval, and/or require that special conditions be added to the grant agreement, in accordance with 24 CFR 84.14, the requirements of this SuperNOFA, or where:

(a) HUD determines the amount requested for one or more eligible activity is unreasonable or unnecessary;

(b) An ineligible activity is proposed in an otherwise eligible project;

(c) Insufficient amounts remain to fund the full amount requested in the application, and HUD determines that partial funding is a viable option; or

(d) An applicant has demonstrated an inability to manage HUD grants, particularly FHIP grants.

(5) *Performance Sanctions.* A grantee or sub-recipient, failing to comply with the procedures set forth in its grant agreement will be liable for such sanctions as may be authorized by law, including repayment of improperly used funds, termination of further participation in the FHIP, and denial of

further participation in programs of HUD or any Federal agency.

## VI. Application Submission Requirements

In addition to the statements, forms, certifications and assurances required by Section II(G) of the General Section of the SuperNOFA and by the Program Requirements in Section IV. of this program section of the SuperNOFA, your application must, at a minimum, contain the following items:

(A) *Transmittal Letter.* Your letter must identify: (1) the dollar amount requested for each component, (2) the specific FHIP initiative and component under which your application is submitted, and (3) in the case of the EOI, whether it is the Regional/Local/Community Based Program or the National Program.

(B) *Narrative Statement.* Your narrative statement must address, and should be numbered to track, the Factors for Award in Section V.(D), above, of this FHIP section of the SuperNOFA.

(C) *Financial Management and Audit Information.* You must submit a certification from an Independent Public Accountant or the cognizant government auditor, stating that the financial management system employed by you meets proscribed standards for fund control and accountability required by: OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations; OMB Circular A-110 (as codified at 24 CFR part 84), Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and other Non-Profit Organizations; and/or OMB Circular A-102 (as codified at 24 CFR Part 85) Uniform Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments. This information should contain the name and telephone number of the Independent Auditor, cognizant Federal auditor, or other audit agency, as applicable.

(D) *Non-Profit Status.* If you are applying under the PEI and FHOI

Initiatives, you must submit documentation with your application that, as of the closing date of this FHIP section of the SuperNOFA, you are a 501(c)(3) tax-exempt organization as determined by the Internal Revenue Service. Failure to submit this documentation with your application will be treated as a technical deficiency as discussed in Section V. of the General Section of this SuperNOFA.

(E) *JEP Component.* If you are submitting a JEP application, your application must include a memorandum of understanding (MOU) from all project participants describing the signatories' duties and responsibilities. The MOU must be signed by an official of the partnership organization authorized to make commitments on behalf of the organization. If you fail to submit this documentation with your application, your application will be ineligible.

(F) *Preference for Award Must Be Stated.* If your application does not state a funding preference as required by Section IV.(A)(3), above, of this program section of the SuperNOFA, your application will be ineligible.

## VII. Corrections to Deficient Applications

Section V of the General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

## VIII. Environmental Requirements

In accordance with 24 CFR 50.19(b)(9) and (12) of HUD regulations, activities assisted under this program are categorically excluded from the requirements of the National Environmental Policy Act and are not subject to environmental review under related laws and authorities.

## IX. Authority

Section 561 of the Housing and Community Development Act of 1987 (42 U.S.C. 3616 note, established the Fair Housing Initiatives Program (FHIP)) and the implementing regulations are found at 24 CFR part 125.

## FHIP APPENDIX—NEW ORGANIZATIONS ESTABLISHED UNDER FHIP ENOC

Name and address of new organization	Area served
The Fair Housing Continuum, 846 N. Cocoa Blvd., Cocoa, FL 32922 .....	Brevard County, Florida.
North Carolina Fair Housing Center, 101 St. Mary Street, Raleigh, NC 27609 .....	State of North Carolina.
Southern Center of Civil Rights Enforcement, 1083 Austin Ave, NE, Atlanta, GA 31107 .....	Areas in Georgia, Arkansas, Mississippi and South Carolina.
Central Alabama Fair Housing Center, 207 Montgomery St. Suite 725, Montgomery, AL 36104	Central and Southern Alabama.
Arkansas Fair Housing Organization, 2101 South Main Street, Little Rock, AR 72206 .....	Central Arkansas.
Arkansas Fair Housing Council, 103 West Capitol, #1115, Little Rock, AR 72201 .....	Arkansas Congressional Districts #1, 2 and 4.
Fair Housing Action Center, 938 Lafayette St., #413, New Orleans, LA 70113 .....	Greater Metropolitan New Orleans.

## FHIP APPENDIX—NEW ORGANIZATIONS ESTABLISHED UNDER FHIP ENOC—Continued

Name and address of new organization	Area served
Legal Aid Society of Albuquerque, 121 Tijereas, NE, #3100, Albuquerque, NM 87102 .....	State of New Mexico.
Louisiana Fair Housing Organization, 1624 Elysian Fields, Ave., New Orleans, LA 70117 .....	Southern Louisiana.
New Mexico Fair Housing Organization, 918 Silver SW, Albuquerque, NM 87102 .....	Central New Mexico (primarily Albuquerque and Santa Fe).
Fair Housing Center of Nebraska, 2522 N. 24th St., #103, Omaha, NE 68110 .....	Omaha, Nebraska and South Sioux City.
Kansas City Fair Housing Center, 3033 Prospect Ave., Kansas City, MO 64128 .....	Metropolitan Kansas City, Missouri.
Metro St. Louis Equal Housing Opportunity Center, 1027 VanDerventer Ave., 4th Floor, St. Louis, MO 63110.	Metropolitan St. Louis, Missouri.
North Dakota Fair Housing Council, 533 Airport Rd, Suite B, Bismark, ND 58504 .....	State of North Dakota.
Greater Nevada Fair Housing Council, 410 East John Street, Carson City, NV 89706 .....	Northern Nevada.
Nevada Fair Housing Center, 2725 East Desert Inn Road, Suite 180, Las Vegas, NV 89121 .....	Southern Nevada.
Fair Housing Council of Fresno County, 2014 Tulane St., 1413, Fresno, CA 93721 .....	Fresno, California.
Idaho Fair Housing Council, 310 N. 5th Street, Boise, ID 83702 .....	State of Idaho.
Northwest Fair Housing Alliance, 1613 West Gardner Ave., Spokane, WA 99201 .....	Eastern Washington.
Fair Housing Council of South Puget Sound, 8815 S. Tacoma Way, Suite 211, Tacoma, WA 98499.	Puget Sound.
Asian Americans for Equality FH Cntr .....	Queens, NY.
San Antonio Fair Housing Center .....	San Antonio, TX.
Fair Housing Center of Houston .....	Houston, TX.

BILLING CODE 4210-32-P



**DEPARTMENT OF HOUSING  
AND URBAN DEVELOPMENT**

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**HOUSING COUNSELING**



**Funding Availability for the Housing Counseling Program****Program Overview**

**Purpose of the Program.** The purpose of this program is to provide comprehensive housing counseling through national, regional, multi-State housing counseling agencies, State housing finance agencies, and local HUD-approved housing counseling agencies. Counseling assists homebuyers, homeowners, and tenants to meet their housing needs and resolve their housing problems.

**Available Funds.** Approximately \$16.6 million.

**Eligible Applicants.** (1) HUD-approved national, regional, or multi-State intermediaries; (2) HUD-approved local housing counseling agencies; and (3) State housing finance agencies.

**Application Deadline.** May 25, 1999.  
**Match.** None.

**Additional Information**

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information.

**I. Application Due Date, Application Kits, Further Information, and Technical Assistance**

**Application Due Date.** You must submit a completed application on or before 12:00 midnight, Eastern time on May 25, 1999 to the addresses shown below.

See the General Section of this SuperNOFA for specific procedures governing the form of application submission (e.g., mailed applications,

express mail, overnight delivery, or hand carried).

**Addresses for Submitting**

**Applications.** If you are a Local Housing Counseling Agencies or State Housing Finance Agencies: Send an original and two copies of your completed application to the respective HUD Homeownership Center (HOC) having jurisdiction over the locality, area or State in which your proposed program is located. Your application should be sent to the attention of the Program Support Division Director, and the envelope should be clearly marked "FY 1999 Housing Counseling Application". A list of the HUD Homeownership Centers, including their jurisdictions, and the Program Support Division Directors appears below and in the Application Kit.

	Office
Philadelphia Homeownership Center: Mr. Michael Perretta, The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3380, Contact: Robert Wright Flint, (215) 656-0527 x3406.	Albany, Baltimore, Boston, Buffalo, Camden, Cleveland, Charleston, Cincinnati Columbus, Detroit, Grand Rapids, Hartford, Manchester, New York, Newark Philadelphia, Pittsburgh, Providence, Richmond, District of Columbia.
Atlanta Homeownership Center: Ms. Gayle Knowlson, Richard B. Russell Federal Building, 75 Spring Street, S.W., Room 572, Atlanta, GA 30303-3308, Contact: Fellece Sawyer-Coleman (404) 331-5001 x2675.	Atlanta, Birmingham, Caribbean, Chicago and Springfield, Columbia, Coral Gables, Greensboro, Indianapolis, Jackson, Jacksonville, Knoxville, Louisville, Memphis, Nashville, Orlando, Tampa.
Denver Homeownership Center: Ms. Jane Hall First Interstate Tower North, 633 17th Street, Denver, CO 80202-3607, Contact: Lorraine Griscavage-Frisbee (303) 672-5216 x1515.	Albuquerque, Denver, (Casper, Fargo, Sioux Falls), Dallas, Des Moines, Denver, Ft. Worth, Helena, Houston, Kansas City, Little Rock, Lubbock, Milwaukee, Minneapolis, New Orleans, Oklahoma City, Omaha, Salt Lake City, San Antonio, Shreveport, St. Louis, Tulsa.
Santa Ana Homeownership Center: Mr. Jerrold Mayer, 1600 N. Broadway, Suite 100, Santa Ana, CA 92706-3927, Contact: Rhonda J. Rivera, Chief, x3210, 1-888-827-5605, (714) 796-1200.	Anchorage, Boise, Fresno, Honolulu, Las Vegas and Reno, Los Angeles, Phoenix, Portland, Sacramento, San Diego, San Francisco, Santa Ana, Seattle, Spokane, Tucson.

If you are a National, Regional or Multi-State Housing Counseling Intermediary, send an original and two copies of the completed application to Director, Program Support Division, Office of Single Family Housing, HUD Headquarters, 451 7th Street, S.W., Washington, DC 20410, Room 9166. The envelope should be clearly marked, "FY 1999 Intermediary Application". If you submit an application to HUD using the above procedures, you will avoid having your application disqualified.

**Application Kits.** For an application kit and any supplemental information, please call the SuperNOFA Information Center at 1-800-HUD-8929. Persons with hearing or speech impairments may call the Federal Information Relay Service at 1-800-877-8339. The application kit also will be available on the Internet through the HUD web site at <http://www.HUD.gov>. When requesting an application kit, please

refer to the Housing Counseling Program. The SuperNOFA Information Center can provide you with assistance in determining which HUD locations should receive a copy of your application.

**For Further Information and Technical Assistance.** If you are a local housing counseling agency or State housing finance agency, you may call the HUD Homeownership Center serving your area. If you are a national, regional, or multi-State intermediary, you may call HUD Headquarters. Please see above and your application kit for a list of offices and telephone numbers you can call to receive assistance. Before the application deadline, HUD staff will be available to provide general guidance.

**II. Amount Allocated**

Under this SuperNOFA, \$16.6 million of the \$17.5 million appropriated is

made available for eligible applicants. An allocation of \$900,000 of the \$17.5 million total in program funding has been set aside for Housing Counseling support, which may include continuation of the Housing Counseling Clearinghouse, and/or HUD counseling initiatives.

The estimated amount of funds available for sub-allocation is as follows:

—**Local Housing Counseling Agencies (LHCA).** Approximately \$ 5.6 million has been made available for grants to local HUD-approved housing counseling agencies. Funding is allocated to each of the HUD Homeownership Centers by a formula that reflects the increased emphasis on the expansion of homeownership opportunities for first-time homebuyers and HUD's intent to ensure appropriate geographical distribution of program funds. For FY 1999, no individual local housing

counseling agency may be awarded more than \$100,000.  
 —*National, Regional, and Multi-State Intermediaries.* Approximately \$7.5 million is being set aside to fund HUD-approved national, regional and multi-State intermediaries that apply for funding under this SuperNOFA. There is no longer any cap on the

amount that national, regional, or multi-State intermediaries may receive.  
 —*State Housing Finance Agencies (SHFA).* Approximately \$3.5 million is being set aside to fund State housing finance agencies. HUD will fund State housing finance agencies according to the budget submitted

with the application, in an amount not to exceed \$500,000.

The amount of funding available to each of the four HUD Homeownership Center jurisdictions for allocation to local housing counseling agencies and State housing finance agencies is:

Homeownership center	Funding allocation* (LHCA)	Funding allocation** (SHFA)
Atlanta, GA .....	\$1,200,000	\$890,000
Denver, CO .....	1,400,000	890,000
Philadelphia, PA .....	1,700,000	935,000
Santa Ana, CA .....	1,300,000	785,000

\* Each HOC has been allocated a minimum of \$1 million, with the balance being distributed to each HOC based on the number of clients counseled within its jurisdiction during FY 1998.

\*\* Each HOC has been allocated a minimum of \$750,000, with the balance being distributed to each HOC based on the number of SHFAs funded within its jurisdiction under the FY 1998 SuperNOFA.

*Remaining and Deobligated Funds/Reallocations.* If funds remain after HUD has funded all approvable grant applications in its Homeownership Center jurisdictions, or Headquarters, or if any funds become available due to deobligation, that amount will be retained by HUD Headquarters for future housing counseling use.

*Funding Levels.* The Factors for Award will be used to evaluate your application for funding. If you are a successful applicant, HUD requires that you participate in negotiations to determine the specific grant amount and the terms of the grant agreement. HUD will follow the negotiation procedures described in Section III(D) of the General Section of the SuperNOFA. Housing Counseling grants are fundable for a period of twelve (12) calendar months. This period may begin from the date that your award is executed by HUD, or not more than 90 days prior to your award execution date.

### III. Program Description; Eligible Applicants; Eligible Activities

#### (A) Program Description

HUD-approved housing counseling agencies provide counseling and advice to tenants and homeowners on property maintenance, financial management, and other matters appropriate to assist tenants and homeowners in improving their housing conditions and meeting responsibilities of tenancy and homeownership. In addition, HUD-approved housing counseling agencies conduct community outreach activities and provide counseling to individuals, including persons with visual or hearing impairments or other disabilities, with the objective of increasing awareness of homeownership opportunities and improving access of low and moderate

income households to sources of mortgage credit. HUD believes that this activity is key to the revitalization and stabilization of low income and minority neighborhoods. Agencies assist first-time homebuyers by offering Homebuyer Education and Learning Program (HELP) training sessions. Agencies also meet the counseling needs of eligible persons 62 or older who desire to use the Home Equity Conversion Mortgage (HECM) to convert their equity into a lump sum payment or an income stream that can be used for home improvements, medical costs, and/or living expenses.

#### (B) Eligible Applicants

Under the housing counseling program, HUD contracts with qualified public or private nonprofit organizations to provide housing counseling services. There are three categories of applicants eligible to submit applications:

—HUD-approved national, regional, or multi-State intermediaries.

If you are a HUD-approved national, regional, or multi-State intermediary, your primary activity is to manage the use of HUD housing counseling funds. This includes the distribution of housing counseling funding to affiliated local housing counseling agencies. Your local affiliates are eligible to undertake any or all of the housing counseling activities, described for HUD-approved local housing counseling agencies. Local affiliates receiving funding through your organization do not need to be HUD-approved in order to receive funds from you. However, your intermediary organization must be HUD-approved as of the date of this SuperNOFA. You must identify all of your proposed affiliates in your application. An

affiliate of your organization may also apply to a State housing finance agency for a sub-grant, whether or not it received a sub-grant from you. However, if your affiliate is not HUD-approved, you must certify the quality of services provided will meet, or exceed, standards for local HUD-approved housing counseling agencies.

As a selected intermediary, you must distribute the majority of your award funds to your housing counseling affiliates. HUD will give you wide discretion to implement your housing counseling program with your affiliates. You must execute sub-grant agreements with your affiliates that clearly delineate the mutual responsibilities for program management and appropriate time frames for reporting results to HUD.

You can decide how to allocate funding among your affiliates with the understanding that a written record must be kept of how you determined your funding levels. This record must be made available to your affiliates and to HUD. You should budget an amount which reflects your best estimate of the cost to oversee and fund the housing counseling efforts of your affiliates. You must seek other private and public sources of funding to supplement HUD funding. HUD does not intend for its counseling grant funds to cover all costs incurred by an agency participating in this program.

Your organization, as well as all your affiliates, must meet the Civil Rights Threshold requirements that are listed in Paragraph II.(B) of the General Section of the SuperNOFA.

**Note:** If you are a national, regional, or multi-State intermediary, you must assure that your proposed affiliates are unique to your team, and will *not* undertake a separate application for

funds. Should any duplication occur, both your intermediary organization and the local housing counseling agency requesting separate funds will automatically be ineligible for further consideration to receive FY 1999 housing counseling funds.

—*HUD-approved local housing counseling agencies*

These agencies are private and public non-profit organizations, approved by HUD to provide housing counseling services directly to clients. If you are a HUD-approved private or public non-profit organization, HUD will fund your local housing counseling agency activities according to the budget submitted with your application. The amounts you request should reflect anticipated operating needs for your housing counseling activities, based upon your counseling experience during the previous fiscal year and your current agency capacity.

You may also apply for a sub-grant to a State housing finance agency, whether or not you have a housing counseling grant from HUD. However, you must disclose all funding sources to HUD. If you are a local housing counseling agency that is not currently HUD-approved, you may receive FY 1999 funding only as an affiliate of a HUD-approved national, regional, or multi-State intermediary; or State housing finance agency.

—*State housing finance agencies*

Your primary activity as a State housing finance agency is to provide housing counseling services as a local housing counseling agency and/or manage the use of HUD housing counseling funds, including the distribution of counseling funding to your affiliated local housing counseling organizations. You and your local affiliates are eligible to undertake any or all of the housing counseling activities described for HUD-approved local housing counseling agencies. As either a housing counseling agency or intermediary, you and your local affiliates do not need to be HUD-approved in order to receive these funds. As a State housing finance agency, you can operate as a housing counseling agency and/or as an intermediary for affiliates that perform housing counseling functions in your State or territory. As an intermediary, you must identify all your proposed affiliates in your application. The amount you request should reflect anticipated operating needs for housing counseling activities, based upon the counseling experience during FY 1998 and your current capacity. In your role as an intermediary, the amount you

request should reflect your best estimate of costs to oversee and fund your housing counseling affiliates. HUD will give you wide discretion to implement your housing counseling program with your affiliates. As a State intermediary, you must execute sub-grant agreements with your affiliates that clearly delineate the mutual responsibilities for program management, including appropriate time frames for reporting results to HUD. Your affiliate may be a local housing counseling agency. Local housing counseling agencies may also be affiliates of national, regional, or multi-State intermediaries. You must decide how to allocate funding among your affiliates with the understanding that a written record will be kept of how your determination was made. This record must be made available to the affiliates and to HUD. You must certify that, if your affiliate is not HUD-approved, the quality of services provided will meet, or exceed, standards for local HUD-approved housing counseling agencies.

You must seek other private and public sources of funding to supplement HUD funding. HUD does not expect its counseling grant funds to cover all costs incurred by your organization's participation in this program. You may use the HUD grant to undertake any of the eligible counseling activities.

(C) *Eligible Activities.*

If you are a housing counseling agency funded under this SuperNOFA, you may use HUD funds to deliver comprehensive housing counseling, or you may specialize in delivering of particular housing counseling services. Either way, your activities must reflect the housing needs you submitted in your funding application for your target area and identified in your plan. You may conduct a wide range of housing counseling services that are eligible under this program, including:

(1) *Homebuyer Education Programs* where HUD's Homebuyer Education and Learning Program (HELP) materials are used in sessions consisting of approximately sixteen (16) hours of training. Completion of the training allows graduates to receive first-time homebuyer incentives, such as a reduction in their FHA insurance premium. HUD staff at each HUD Homeownership Center will be available to provide you with the HELP materials.

(2) *Pre-purchase Homeownership Counseling* covering purchase procedures, mortgage financing, down payment/closing cost fund accumulation, accessibility

requirements, and if appropriate, credit improvement, and debt consolidation.

(3) *Post-purchase Counseling* including property maintenance, and personal money management.

(4) *Mortgage delinquency and default resolution counseling* including restructuring debt, arrangement of reinstatement plans, loan forbearance, and loss mitigation.

(5) *Home Equity Conversion Mortgage (HECM) counseling* to assist clients who are 62 years old or older with the complexities of converting the equity in their homes to income to pay living expenses or medical expenses.

(6) *Loss Mitigation Counseling* for clients who may be facing default and foreclosure, and need mortgage default resolution and foreclosure avoidance counseling.

(7) *Marketing and Outreach Initiatives* including providing general information about housing opportunities within your target area and providing housing counseling services and information to persons with disabilities. Under this program, you are required to extend marketing and outreach services to all segments of the population.

(8) *Renter Assistance Counseling* including information about rent subsidy programs, rights and responsibilities of tenants, and lease and rental agreements.

(9) *Fair Housing Assistance* including:

(a) Advocating with lenders, appraisers and developers on behalf of clients to recognize the value of non-traditional lending standards, the vitality of housing values in all areas, and the added value of accessible housing design; and

(b) Advising clients on how to recognize discriminatory acts, and how to file a Fair Housing complaint. (This will require being familiar with the provisions of the Fair Housing Act).

You may elect to offer your services to a wide range of clients, or serve a more limited audience, provided your limited services do not constitute discrimination on the basis of race, color, religion, sex, national origin, disability or familial status. Your potential clients include: first-time homebuyers, homebuyers and homeowners eligible for, and applying for, HUD, VA, FmHA (or its successor agency), State, local, or conventionally financed housing or housing assistance; or persons who occupy such housing and seek the assistance of a housing counseling agency to resolve a housing need. You may elect to offer this assistance in conjunction with any HUD housing program; however, to do this, you must be familiar with FHA's single

family and multifamily housing programs.

#### IV. Program Requirements

##### (A) General Requirements.

The requirements listed in Section II of the General Section of the SuperNOFA apply to this program.

##### (B) Requirements Applicable to Religious Organizations.

Where your organization is, or you propose to contract with, a primarily religious organization, or a wholly secular organization established by a primarily religious organization, to provide, manage, or operate a housing counseling program, you must undertake your responsibilities in accordance with the following principles:

(1) You will not discriminate against any segment of the population;

(2) You will not provide religious instruction or religious counseling, conduct religious services or worship, engage in religious proselytizing, and exert religious influence in the provision of assistance under your Housing Counseling Program.

(3) You will make counseling offices and services accessible to persons with a wide range of disabilities and help such persons locate suitable housing in locations throughout your community, target area or metropolitan area.

##### (C) Performance Measurement.

You are required to complete and submit a form HUD-9902, Fiscal Year Activity Report. The information compiled from this report provides HUD with its primary means of measuring your program performance and program effectiveness.

#### V. Application Selection Process

##### (A) General

Your application will be evaluated competitively, and ranked against all other applicants that applied in the same funding category. However, after selection, the actual amount funded will be based on successful completion of negotiations. National, regional, and multi-State applications will be rated and ranked in HUD Headquarters, and selected for funding in rank order. Local agency and State Housing Finance Agency applications will be rated and ranked by the HUD Homeownership Centers and selected for funding in rank order.

##### (B) Factors for Award Used To Rate and Rank Applications.

The factors for rating and ranking applicants, and maximum points for

each factor, are provided below. The maximum number of points for each applicant is 102. This includes two EZ/EC bonus points, as described in the General Section of the SuperNOFA.

##### Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 Points)

This factor addresses the extent to which you have the organizational resources necessary to successfully implement your proposed activities in a timely manner. Your rating or the rating of your organization and staff for technical merit will include any subcontractors, consultants, subrecipients, and members of consortia that are identified as participants in your proposal. In rating this factor, HUD will consider the extent to which your proposal demonstrates:

(1) (10 points) The knowledge and experience of your proposed project director and staff, including the day-to-day program manager, consultants and contractors in planning and managing programs for which you are requesting funding. Your experience will be judged in terms of recent, relevant and successful experience of your staff to undertake eligible program activities. You are expected to have sufficient personnel, or be able to quickly access qualified experts or professionals, to deliver the proposed activities in a timely and effective fashion. HUD will assess the readiness and ability of your organization to immediately begin your proposed work program. To demonstrate that you have sufficient personnel, you must submit the proposed number of staff for each task to be conducted, by the employees and experts allocated to each activity you plan to undertake in your program. You must identify their titles and relevant professional background and experience related to the tasks they are to perform. In addition, you must allocate the staff hours for each task of these employees and experts.

(2) (10 points) Your past experience in terms of your ability to attain measurable progress in the implementation of your most recent activities where your performance has been assessed. HUD will consider your performance as measured by your expenditures and demonstrated progress in achieving the purpose of the activities. HUD will also consider any documented evidence, such as form HUD-9902, of your failure under past awards to comply with grant award provisions.

##### Rating Factor 2: Need/Extent of the Problem (20 Points)

This factor addresses the extent to which there is a need for funding your proposed program activities to address a documented problem in your target area. To the extent that the community served by your housing counseling organization has documented the need in the community's Consolidated Plan or Analysis of Impediments to Fair Housing Choice (AI); or requirements of court orders or consent decrees, settlements and voluntary compliance agreements, references to these documents should be included in the response. If your proposed activities are not covered under the scope of the Consolidated Plan or AI, you should indicate such and use other sound data sources to identify the level of need for your proposed program of activities.

In responding to this factor, you will be evaluated on the extent to which you document a critical level of need for your proposed activities in the area where activities will be carried out. The documentation of need should demonstrate the extent of the problem addressed by the proposed activities. Examples of data that might be used to demonstrate need, include economic and demographic data relevant to the target area and your proposed activities. There must be a clear relationship between the proposed activities, community needs and the purposes of this program for an applicant to receive points for this factor.

##### Rating Factor 3: Soundness of Approach (40 Points)

This factor addresses the quality and effectiveness of your proposed work plan. In rating this factor, HUD will consider the following:

(1) The extent to which the design and scope of your activities provide for geographic coverage for target areas as well as persons traditionally underserved, including identification of immediate benefits to be achieved and indicators by which these benefits will be measured;

(2) The extent to which you have a clear agenda and identify specific activities to be performed, such as:

(a) Screening interviews with clients;  
(b) Setting up a client file with intake information and counseling plan; and  
(c) Having the client sign an agreement accepting the counseling plan and making a commitment to attend the required counseling sessions;

(3) The extent to which your proposed tasks use documented, technically competent methodologies for conducting the work to be performed.

HUD will assess the extent to which your proposed work plan identifies documented, proven methodologies for the types of services to be performed.

(4) The extent to which you demonstrate the relationship between the proposed activities, community needs and the purposes of this program.

(5) The extent to which your proposed activities undertake affirmatively furthering fair housing (AFFH). Affirmatively furthering fair housing may be undertaken in a variety of ways, as appropriate to your target area. The following are some suggestions for all housing counseling agencies:

(a) Implementing affirmative marketing strategies to attract all segments of the population regardless of race, color, religion, national origin, sex, familial status, and disability, especially those least likely to request housing counseling services to purchase or retain their homes.

(b) Being pro-active in reducing concentrations of poverty and/or minority populations in the target area. This could include working with, or adopting the counseling practices of, agencies which conduct housing opportunity counseling to encourage low-income and minority persons to move to low-concentration areas, and helping to locate suitable housing in such areas.

(c) Working with local lenders to develop alternative lending criteria. For instance, you may make referrals to lenders of clients with good credit and payment histories, but who do not fit the standard profiles for lending practices, or advocate with financial institutions on behalf of clients with financial patterns which reflect cultural differences (such as family savings pools, which are common among some Asian populations). Your activities should also focus on finding appropriate housing, free from environmental hazards, for all segments of the population in neighborhoods with good transportation, schools, employment opportunities, and other services.

(b) The following are some suggested activities for national, regional, or multi-State intermediaries and State Housing Finance Agencies:

(i) Training affiliates in Fair Housing issues.

(ii) Making national or regional agreements with lenders, insurers, and organizations which train appraisers and loan appraisers on fair housing requirements, accessibility, and financing methods which support your organization's fair housing and housing opportunity efforts.

#### Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure community resources which can be combined with HUD's program resources to achieve your program purposes. In evaluating this factor HUD will consider:

(1) The extent to which you have partnered with other entities to secure additional resources to increase the effectiveness of your proposed program activities. Resources may include funding or in-kind contributions, such as services or equipment, allocated to the purpose(s) of your program. Resources may be provided by governmental entities, public or private nonprofit organizations, for-profit private organizations, or other entities willing to partner with you. You may also partner with other program funding recipients to coordinate the use of housing counseling and support services in your target area.

(2) You must provide evidence of leveraging/partnerships by including in your application letters of firm commitments, memoranda of understanding, or agreements to participate from entities identified as partners in your application. Each letter of commitment, memoranda of understanding, or agreement to participate should include the partnering organization's name, proposed level of commitment and responsibilities as they relate to your proposed program. The commitment letter must also be signed by an official of the organization legally able to make commitments on behalf of the partnering organization.

If you are a local counseling agency, you are expected to seek other private and public sources of funding to supplement HUD funding. HUD never intends for its counseling grant funds to cover all costs incurred by an agency participating in the program.

If you are a local housing counseling agency, you may use your HUD grant to undertake any of the eligible housing counseling activities described in this Housing Counseling Program section of the SuperNOFA. All of your proposed activities and the activities of your partners must be included in your HUD-approved plan. NOTE: HUD housing counseling funding is not intended to fully fund either an intermediary's housing counseling program, or the housing counseling programs of the its local affiliates. All intermediaries and their local affiliates are expected to seek other private and public sources of funding for housing counseling to supplement HUD funding.

#### Rating Factor 5: Comprehensiveness and Coordination (10 Points)

This factor addresses the extent to which you have coordinated your activities with other known organizations, participated or promoted participation in a community's Consolidated Planning process and are working towards addressing identified needs in a holistic and comprehensive manner through linkages with other activities in your community. In evaluating this factor, HUD will consider the extent to which you can demonstrate you have:

(1) Coordinated your proposed activities with those of other groups or organizations prior to submission in order to best complement, support and coordinate all known activities; and, if funded, the specific steps you will take to share information on solutions and outcomes with others. Any written agreements or memoranda of understanding in place should be described.

(2) Taken or will take specific steps to become active in the Consolidated Planning process (including the Analysis of Impediments to Fair Housing Choice) established in your target area to identify and address needs/problems related to the activities you propose in your application. If you reported in your FY 1998 application that you "will take specific steps", describe what steps you have taken.

(3) Taken or will take specific steps to develop linkages to coordinate comprehensive solutions through meetings, information networks, planning processes or other mechanisms with:

(a) Other HUD-funded projects/activities outside the scope of those covered by the target area's Consolidated Plan; and

(b) Other Federal, State or locally funded activities, including those proposed or on-going in your target area.

If you reported in your FY 1998 application that you "will take specific steps", describe what steps you have taken.

#### VI. Application Submission Requirements

##### (A) General.

The contents of your application will differ if you are a local housing counseling agency; or a national, regional, or multi-State intermediary; or a State housing finance agency. However, all applicants are expected to submit the forms, certifications and assurances set forth in the General Section of the SuperNOFA. Copies of all form/documents required to be

completed can be found in the application kit. In addition to these certifications and assurances the following are required to be part of your housing counseling application:

(1) *Narrative statement* addressing the five Rating Factors in Section V.(B) of this program section of the SuperNOFA. Your narrative response should be numbered in accordance with the rating factors and subfactors identified in Section V.(B) of this program section of the SuperNOFA.

(2) Form HUD-9902, Housing Counseling Agency Fiscal Year Activity Report, for fiscal year October 1, 1997 through September 30, 1998. If you did not participate in HUD's Housing Counseling Program during FY 1998, this report should be completed to reflect your counseling workload during that period. This form must be fully completed and submitted by every applicant for FY 1999 HUD funding;

(3) *Budget Work Sheet*. A proposed budget for use of the requested HUD funds;

(4) Evidence of Housing Counseling Funding Sources (required by all applicants);

(5) You must provide a descriptive narrative that sets forth your prior fiscal year's performance as related to its goals, objectives and mission. Your narrative must describe the most recent operational and program activities of your organization;

(6) *Current Housing Counseling Plan*. Your Housing Counseling Plan must describe your housing counseling needs, goals, and objectives related to the scope

of services you propose to provide, including a description of all counseling activities to be performed.

(7) Direct-labor and Hourly-labor rate and Counseling Time Per Client for proposed tasks;

(8) The Congressional District in which your proposed activities are to occur;

(9) If you are a State housing finance agency, you must submit your statutory authority to operate as a State housing finance agency.

*(B) National, Regional, and Multi-State Intermediaries; and State Housing Finance Agencies.*

If you are a national, regional, or multi-State intermediary or a State housing finance agency, you must submit an application which covers both your network organization and your affiliated agencies. Your application must include:

(1) *A description of your affiliated agencies*. For each affiliated agency, list the following information:

(a) Organization name;

(b) Address;

(c) Director and contact person (if different);

(d) Phone/FAX numbers (including TTY, if available);

(e) Federal tax identification number;

(f) ZIP code service areas;

(g) Number of staff providing counseling;

(h) Type of services offered (defined by homebuyer education programs, pre-purchase counseling, post-purchase counseling, mortgage default and

delinquency counseling, HECM counseling, outreach initiatives, renter assistance, and other);

(i) Number of years of housing counseling experience.

(2) *Relationship with Affiliates*. You must briefly describe your relationship with your affiliates (i.e. membership organization, field or branch office, subsidiary organization, etc.).

(3) *Oversight System*. You must briefly describe the process that will be used to determine affiliate funding levels, distribute funds, and monitor affiliate performance.

## **VII. Corrections to Deficient Applications**

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

## **VIII. Environmental Requirements**

In accordance with 24 CFR 50.19(b)(9) and (12) of the HUD regulations, activities assisted under this program are categorically excluded from the requirements of the National Environmental Policy Act and are not subject to environmental review under the related laws and authorities.

## **IX. Authority**

HUD's Housing Counseling Program is authorized by section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x), and is generally governed by HUD Handbook 7610.1, REV-4, dated August 9, 1995.

BILLING CODE 4210-32-P



**DEPARTMENT OF HOUSING  
AND URBAN DEVELOPMENT**

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**LEAD-BASED PAINT HAZARD  
CONTROL PROGRAM**



## **Funding Availability for the Lead-Based Paint Hazard Control Grant Program**

### *Program Overview*

**Purpose of the Program.** The purpose of the Lead-Based Paint Hazard Control Grant Program is to assist States, Indian Tribes and local governments in undertaking comprehensive programs to identify and control lead-based paint hazards in eligible privately-owned housing for rental or owner-occupants in partnership with community-based organizations.

**Available Funds.** Approximately \$56 million.

**Eligible Applicants.** States, Indian Tribes or local governments. If you are a State or Tribal applicant, you must have a Lead-Based Paint Contractor Certification and Accreditation Program authorized by EPA.

**Application Deadline.** May 26, 1999.

**Match.** A minimum of 10% match in local funds.

### *Additional Information*

#### **I. Application Due Date, Application Kits, Further Information, and Technical Assistance**

**Application Due Date.** Submit your original and four copies of your completed application to HUD on or before May 26, 1999.

See the General Section of this SuperNOFA for additional information regarding submitting your application.

**Address for Submitting Applications.** Submit your completed application (original and four copies): Department of Housing and Urban Development, Office of Lead Hazard Control, Room P3206, 451 Seventh Street, SW, Washington, D.C. 20410. Applications which are hand carried or sent via overnight delivery should be delivered to Suite 3206, 490 East L'Enfant Plaza, Washington, D.C. 20024.

**For Application Kits.** You may obtain an application kit from the SuperNOFA Information Center at 1-800-HUD-8929, or the TTY number at 1-800-483-2209. When requesting an application kit, please refer to the Lead-Based Paint Hazard Control Grant Program. Please be sure to provide your name, address (including zip code), and telephone number (including area code).

**For Further Information.** Contact Ellis G. Goldman, Director, Program Management Division, Office of Lead Hazard Control, at the address above; telephone (202) 755-1785, extension 112 (this is not a toll-free number). If you are a hearing- or speech-impaired person, you may reach the above telephone numbers via TTY by calling

the toll-free Federal Information Relay Service at 1-800-877-8339.

**For Technical Assistance.** Please refer to the General Section of this SuperNOFA for information regarding the provision of technical assistance. The HUD Lead Hazard Control staff that will provide technical assistance for the Lead-Based Paint Hazard Control Program. Please see the "For Further Information" section above for the address and phone number.

#### **II. Amount Allocated**

(A) Approximately fifty six million dollars (\$56 million) will be available for the Lead-Based Paint Hazard Control Grant Program.

(B) Approximately 20-25 grants of \$1 million-\$4 million will be awarded. If you are an existing grantee or previously unfunded applicant, you are eligible to apply for grants of \$1 million-\$4 million. A maximum of 60% of the funds under this program section of the SuperNOFA shall be available to current Lead-Based Paint Hazard Control grantees. Applications from existing (or previous) grantees will be evaluated and scored as a separate group and will not be in direct competition with applications from previously unfunded applicants.

(C) In the selection process, once available funds have been allocated to meet the requested or negotiated amounts of the top eligible applicants, HUD reserves the right to offer any residual amount as partial funding to the next eligible applicant, provided HUD is satisfied that the residual amount is sufficient to support a viable, though reduced effort, by such applicant(s). If you are an applicant offered a reduced grant amount you will have a maximum of seven (7) calendar days to accept such the reduced award. If you fail to respond within the seven day limit, you shall be considered to have declined the award.

#### **III. Program Description, Eligible Applicants, and Eligible Activities**

##### *(A) Program Description.*

The Lead-Based Paint Hazard Control Grant Program assists States, Indian Tribes and local governments in undertaking programs for the identification and control of lead-based paint hazards in eligible privately-owned housing units for rental and owner-occupants. The application kit for this program section of the SuperNOFA lists HUD-associated housing programs which also meet the definition of eligible housing.

(1) Because lead-based paint is a national problem, these funds will be awarded to:

(a) Maximize both the number of children protected from lead poisoning and housing units where lead-hazards are controlled;

(b) Target lead hazard control efforts at housing in which children are at greatest risk of lead poisoning;

(c) Stimulate cost-effective approaches that can be replicated;

(d) Emphasize lower cost methods of hazard control;

(e) Build local capacity to safely and effectively address lead hazards during lead hazard control, renovation, remodeling, and maintenance activities; and

(f) Affirmatively further fair housing and environmental justice.

(2) The objectives of this program include:

(a) Implementation of a national strategy, as defined in Title X, to build the community's capacity necessary to eliminate lead-based paint hazards in all housing, as widely and quickly as possible by establishing a workable framework for lead-based paint hazard identification and control;

(b) Mobilization of public and private resources, involving cooperation among all levels of government, the private sector, and community-based organizations to develop, cost-effective methods for identifying and controlling lead-based paint hazards;

(c) Development of comprehensive community approaches which result in integration of all community resources (governmental, community-based, and private businesses) to address lead hazards in housing;

(d) Integration of lead-safe work practices into housing maintenance, repair, weatherization, rehabilitation, and other programs which will continue beyond your grant period;

(e) Establishment of a public registry (listing) of lead-safe housing; and

(f) To the greatest extent feasible, promotion of job training, employment, and other economic opportunities for low-income and minority residents and businesses that are owned by and/or employ low-income and minority residents as defined in 24 CFR 135.5 (See 59 FR 33881, June 30, 1994).

##### *(B) Eligible Applicants.*

(1) To be eligible to apply for funding under this program, you must be a State, Indian Tribe, or unit of local government. Multiple units of a local government (or multiple local governments) may apply as part of a consortium; however, you must identify a single lead government or agency as "the applicant." You may submit only one application. In the event you submit multiple applications, this will be

considered a curable (minor) defect and the application review process delayed until you notify HUD in writing which application should be reviewed. Your other applications will be returned unevaluated.

(2) As an applicant, you must meet all of the threshold requirements of Section II (B) of the General Section of the SuperNOFA.

(3) Consolidated Plans.

(a) If your jurisdiction has a current HUD approved Consolidated Plan, you must submit documentation of the HUD approval of the current program year Consolidated Plan. You must submit, as an appendix, a copy of the lead-based paint element included in the approved Consolidated Plan.

(b) If your jurisdiction does not have a currently approved Consolidated Plan, but it is otherwise eligible for this grant program, you must include your jurisdiction's abbreviated Consolidated Plan, which includes a lead-based paint hazard control strategy developed in accordance with 24 CFR 91.235.

(4) If you are a local government, your application must provide written documentation of partnerships or contractual relationships with community-based organizations to carry out the proposed work plan. Such relationships may include program planning; public awareness, education, and outreach; inspection and hazard control; relocation; and other related services.

If you are a State government, you must provide written documentation of partnerships or contractual relationships with community-based organizations prior to grant award. This requirement does not apply to Indian Tribes.

(5) If you are a State government or an Indian Tribal government, you must have an authorized EPA Lead-Based Paint Contractor Certification and Accreditation Program to be eligible.

(6) If you were funded under the FY 1998 Lead-Based Paint Hazard Control NOFA issued March 31, 1998 (63 FR 15555), you are not eligible for funding under this program section of the SuperNOFA.

(7) The eligibility factors discussed in (1) through (6) above are threshold requirements. If you do not satisfy the appropriate eligibility requirements stated in these paragraphs, your HUD will not review your application.

#### *(C) Eligible Activities*

HUD will provide considerable latitude to grantees in designing and implementing the methods of lead-based paint hazard control to be used in their jurisdictions. Experience and data

from past and ongoing evaluations have identified effective approaches. HUD is interested in promoting lead hazard control approaches that result in the reduction of this health threat for the maximum number of low-income residents, and that demonstrate techniques which are cost-effective, efficient, and can be used elsewhere. HUD will allow flexibility within the parameters established below.

(1) Generally, funds will be available only for projects conducted by contractors, risk assessors, inspectors, workers and others engaged in lead-based paint activities who meet the requirements of an EPA authorized State or Tribal Lead-Based Paint Contractor Certification and Accreditation Program under the requirements of section 404 of the Toxic Substances Control Act (TSCA). However, low level hazard interventions (e.g., dust control and minor paint stabilization) do not require certified personnel.

(2) Direct Project Elements that you may undertake directly or through subrecipients, include:

(a) Performing dust testing, hazard screens, inspections, and risk assessments of eligible housing constructed before 1978 to determine the presence of lead hazards from paint, dust, or soil.

(b) Conducting pre-hazard control blood lead testing of children under the age of six residing in units undergoing inspection, risk assessment, or hazard control.

(c) Conducting lead hazard control, which may include any combination of the following: interim control of lead-based paint hazards in housing (which may include intensive cleaning techniques to address lead dust); abatement of lead-based paint hazards using different methods for each unit (based on the condition of the unit and the extent of hazards); and abatement of lead-based paint hazards, including soil and dust, by means of removal, enclosure, encapsulation, or replacement methods. Complete abatement of all lead-based paint or lead-contaminated soil is not acceptable as a cost effective strategy unless justification is provided and approved by HUD. Abatement of lead-contaminated soil should be limited to areas with bare soil in the immediate vicinity of the structure, i.e., dripline or foundation of the structure being treated, and children's play areas.

(d) Carrying out temporary relocation of families and individuals during the period in which hazard control is conducted and until the time the affected unit receives clearance for reoccupancy.

(e) Performing blood lead testing and air sampling to protect the health of the hazard control workers, supervisors, and contractors.

(f) Undertaking minimal housing rehabilitation activities that are specifically required to carry out effective hazard control, and without which the hazard control could not be completed and maintained. Hazard Control grant funds may be used for lead hazard control work done in conjunction with other housing rehabilitation programs. HUD strongly encourages integration of this grant program with housing rehabilitation.

(g) Conducting clearance dust-wipe testing and laboratory analysis.

(h) Engineering and architectural activities that are required for, and in direct support of, lead hazard control.

(i) Providing lead-based paint worker or contractor certification training and/or licensing to low-income persons.

(j) Providing free training on lead-safe, essential maintenance practices to homeowners, renters, painters, remodelers, and apartment maintenance staff working in low-income private housing.

(k) Providing cleaning supplies for lead-hazard control to community/neighborhood-based organizations, homeowners, and renters in low-income private housing.

(l) Conducting general or targeted community awareness, education or outreach programs on lead hazard control and lead poisoning prevention. This includes educating owners of rental properties on the Fair Housing Act and training on lead-safe maintenance and renovation practices. Upon request, this also would include making all materials available in alternative formats to persons with disabilities (e.g.; Braille, audio, large type).

(m) Securing liability insurance for lead-hazard control activities.

(n) Supporting data collection, analysis, and evaluation of grant program activities. This includes compiling and delivering such information and data as may be required by HUD. This activity is separate from administrative costs.

(o) Conducting applied research activities directed at demonstration of cost effective methods for lead hazard control.

(p) Purchasing or leasing equipment having a per unit cost under \$5,000, except for X-ray fluorescence (XRF) analyzers.

(q) Purchasing or leasing up to two (2) X-ray fluorescence analyzers for use by the Lead-Based Paint Hazard Control Grant Program.

(r) Preparing a final report at the conclusion of grant activities.

(3) Support Elements.

(a) Administrative costs. There is a 10% maximum for administrative costs. The application kit contains specific information on administrative costs in Annex 7.

(b) Program planning and management costs of sub-grantees and other sub-recipients.

(D) *Ineligible Activities*

You may not use grant funds for any of the following:

(1) Purchase of real property.

(2) Purchase or lease of equipment having a per unit cost in excess of \$5,000, except for X-ray fluorescence analyzers.

(3) Chelation or other medical treatment costs related to children with elevated blood lead levels. Non-Federal funds used to cover these costs may be counted as part of the required matching contribution.

(4) Lead hazard control activities in publicly owned housing, or project-based Section 8 housing. A table listing eligibility of various HUD programs is included in Annex 5 of the application kit.

#### IV. Program Requirements

In addition to the program requirements listed in the General Section of this SuperNOFA, you, the applicant, must comply with the following requirements:

(A) *Budgeting*. (1) Matching Contribution. You must provide a matching contribution of at least 10% of the requested grant sum. This may be in the form of a cash or in-kind (non-cash) contribution or a combination of both. With the sole exception of Community Development Block Grant (CDBG) funds, Federal funds may not be used to satisfy the statutorily required ten (10) percent matching requirement. Federal funds may be used, however, for contributions above the statutory requirement. If you do not show a minimum 10% match in your application, you will be rated lower during the evaluation process, and, if selected, you will be required to provide the matching contribution before being given the grant.

(2) Applied Research Activities. You may identify a maximum of five (5%) percent of the total grant request for applied research activities.

(3) Administrative Costs. There is a 10% maximum for administrative costs.

(B) *Period of Performance*. The period of performance is 36 months.

(C) *Certified Performers*. You may use grant funds only for projects conducted

by certified contractors, risk assessors, inspectors, workers and others engaged in lead-based paint activities.

(D) *Coastal Barrier Resources Act*. Pursuant to the Coastal Barrier Resources Act (16 U.S.C. 3501), you may not use grant funds for properties located in the Coastal Barrier Resources System.

(E) *Flood Disaster Protection Act*. Under the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001–4128), you may not use grant funds for lead-based paint hazard control of a building or mobile home that is located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards unless:

(1) The community in which the area is situated is participating in the National Flood Insurance Program in accordance with the applicable regulations (44 CFR parts 59–79), or less than a year has passed since FEMA notification regarding these hazards; and

(2) Where the community is participating in the National Flood Insurance Program, flood insurance on the property is obtained in accordance with section 102(a) of the Flood Disaster Protection Act (42 U.S.C. 4012a(a)). You are responsible for assuring that flood insurance is obtained and maintained for the appropriate amount and term.

(F) *National Historic Preservation Act*. The National Historic Preservation Act of 1966 (16 U.S.C. 470) and the regulations at 36 CFR part 800 apply to the lead-based paint hazard control activities that are undertaken pursuant to this program. HUD and the Advisory Council for Historic Preservation have developed an optional Model Agreement for use by grantees and State Historic Preservation Officers in carrying out activities under this program.

(G) *Waste Disposal*. You must handle waste disposal according to the requirements of the appropriate local, State and Federal regulatory agencies. You must handle disposal of wastes from hazard control activities that contain lead-based paint but are not classified as hazardous in accordance with the HUD Guidelines for the Evaluation and Control of Lead-Based Hazards in Housing (HUD Guidelines).

(H) *Worker Protection Procedures*. You must observe the procedures for worker protection established in the HUD Guidelines, as well as the requirements of the Occupational Health and Safety Administration (OSHA) (29 CFR 1926.62—Lead Exposure in Construction), or the State or local occupational safety and health regulations, whichever are most

protective. If other applicable requirements contain more stringent requirements than the HUD Guidelines, the more rigorous standards shall be followed.

(I) *Prohibited Practices*. You must not engage in practices that are not allowed because of health and safety risks. Methods that generate high levels of lead dust shall be undertaken only with requisite worker protection, containment of dust and debris, suitable clean-up, and clearance. Prohibited practices include:

(1) Open flame burning or torching;

(2) Machine sanding or grinding without a high-efficiency particulate air (HEPA) exhaust control;

(3) Uncontained hydroblasting or high pressure wash;

(4) Abrasive blasting or sandblasting without HEPA exhaust control;

(5) Heat guns operating above 1100 degrees Fahrenheit;

(6) Chemical paint strippers containing methylene chloride; and

(7) Dry scraping or dry sanding, except scraping in conjunction with heat guns or around electrical outlets or when treating no more than two (2) square feet in any one interior room or space, or totaling no more than 20 square feet on exterior surfaces.

(J) *Proposed Modifications From Current Procedures*. Proposed methods that differ from currently approved standards or procedures will be considered on their merits through a separate HUD review and approval process after the grant award is made and a specific justification has been presented. When you make such a request, either in the application or during the planning phase, HUD may consult with experts from both the public and private sector as part of its final determinations and will document its findings in an environmental assessment. HUD will not approve proposed modifications that, in HUD's opinion, involve a lowering of standards with potential to adversely affect the health of residents, contractors or workers, or the quality of the environment.

(K) *Written Policies and Procedures*. You must have clearly established, written policies and procedures for all phases of lead hazard control, including risk assessment, inspection, development of specifications, pre-hazard control blood lead testing, financing, relocation and clearance testing. Grantees, subcontractors, sub-grantees, sub-recipients, and their contractors must adhere to these policies and procedures.

(L) *Continued Availability of Lead Safe Housing to Low-Income Families*.

Units in which lead hazards have been controlled under this program shall be occupied by and/or continue to be available to low-income residents as required by Title X. You must maintain a registry (listing) of units in which lead hazards have been controlled for distribution and marketing to agencies and families as suitable housing for children under six.

(M) *Testing.* In developing your application budget, include costs for inspection, risk assessment, and clearance testing for each dwelling that will receive lead hazard control, as follows:

(1) *Testing.*

(a) *General.* All testing and sampling shall conform to the current HUD Guidelines. It is particularly important to provide this full cycle of testing for lead hazard control, including interim controls.

(b) *Pre-Hazard Control.* A combined inspection and risk assessment is recommended. You should ensure that the results of the pre-hazard control investigation are sufficient to support hazard control decisions. When appropriate, you may elect to perform a lead hazard screen in lieu of an inspection or risk assessment.

(c) In the event you propose to conduct lead hazard control work without identification of lead hazards from paint, dust, and soil, you must fully justify the technical and other rationale for such a proposal. HUD must approve such proposals. Approval is subject to HUD environmental review under 24 CFR part 50.

(d) *Clearance Testing.* Clearance dust testing must be conducted according to the HUD Guidelines. You are required to meet the current post-hazard control dust-wipe test clearance thresholds contained in the HUD Guidelines (these are also provided in the application kit). Wipe tests shall be conducted by a certified inspector who is independent of the lead hazard control contractor. Dust-wipe and soil samples, and any paint samples to be analyzed by a laboratory, must be analyzed by a laboratory recognized by the EPA National Lead Laboratory Accreditation Program (NLLAP). Units treated shall not be reoccupied until clearance is achieved.

(2) *Blood lead testing.* Before lead hazard control work begins, each occupant who is under six years old must be tested for lead poisoning within six months prior to the housing intervention. Any child with an elevated blood lead level must be referred for appropriate medical follow-up.

(N) *Cooperation With Related Research and Evaluation.* You shall cooperate fully with any research or evaluation sponsored by HUD and associated with this grant program, including preservation of project data and records and compiling requested information in formats provided by the researchers, evaluators or HUD. This also may include the compiling of certain relevant local demographic, dwelling unit, and participant data not contemplated in your original proposal. Participant data shall be subject to Privacy Act protection.

(O) *Data collection.* You will be required to collect and maintain the data necessary to document the various lead hazard control methods used in order to determine the effectiveness and relative cost of these methods.

(P) *Section 3 Employment Opportunities.* Please see the General Section of this SuperNOFA. The Section 3 requirements are applicable to the Lead-Based Paint Hazard Control Program.

(Q) *Certifications and Assurances.* In addition to the certifications and assurances listed in the General Section of the SuperNOFA, a single certification form is included in the application kit for your signature. This includes:

(1) Assurance of your compliance with the environmental laws and authorities described in 24 CFR part 58.

(2) Certification of your compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and the implementing regulations at 49 CFR part 24; and HUD Handbook 1378 (Tenant Assistance, Relocation and Real Property Acquisition).

(3) Assurance that your financial management system meets the standards for fund control and accountability described in 24 CFR 85.20.

(4) Assurance that you will conduct testing associated with pre-hazard control and clearance conducted by certified performers.

(5) Assurance that, to the extent possible, you will conduct the blood lead testing, blood lead level test results, and medical referral and follow up for children under six years of age occupying affected units according to the recommendations of the Centers for Disease Control and Prevention (CDC) publication Preventing Lead Poisoning in Young Children (1991).

(6) Assurance that you will not use Lead-Based Paint Hazard Control Grant Program funds to replace existing resources dedicated to any ongoing project.

(7) Assurance that the housing units in which lead hazards have been

controlled under this program will be occupied by and/or continue to be available to low-income residents as required by Title X. You are required to maintain a registry of units in which lead hazards have been controlled for distribution and marketing to agencies and families as suitable housing for children under six.

(8) Certification that you will carry out your lead hazard control program under an EPA authorized State lead-based paint contractor certification and accreditation program that is at least as protective as the training and certification program requirements cited in the application kit for this program section of the SuperNOFA.

(R) *Davis-Bacon Act.* The Davis-Bacon Act does not apply to this program. However, if you use grant funds in conjunction with other Federal programs in which Davis-Bacon prevailing wage rates apply, then Davis-Bacon provisions would apply to the extent required under the other Federal programs.

## V. Application Selection Process

### (A) Rating and Ranking

HUD intends to fund the highest ranked applications within the limits of funding, but reserves the right to advance other eligible applicants in funding rank. A decision to advance an applicant will be based on programs that: foster local approaches or lead hazard control methods that have not been employed before, or provide lead hazard control services to populations or communities that have high need (as measured by the "Need" factor for award) and have never received funding under this grant program.

### (B) Factors for Award Used To Evaluate and Rate Applications

The factors for rating and ranking applicants, and maximum points for each factor, are stated below. The maximum number of points to be awarded is 102. This maximum includes two EZ/EC bonus points as described in the General Section of the SuperNOFA. Also, Section III(C)(2) of the General Section, which addresses a court-ordered consideration, is applicable to this program. The application kit will provide additional guidance for responding to these factors. The application kit also contains definitions and references that will be incorporated into your grant award.

**Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience** (15 points for previously unfunded applicants; 25 points for existing grantees)

This factor addresses your organizational capacity necessary to successfully implement the proposed activities in a timely manner. The rating of the "applicant" or the "applicant's staff" for technical merit or threshold compliance, unless otherwise specified, includes any community-based organizations, sub-contractors, consultants, sub-recipients, and members of consortia which are firmly committed to your project. In rating this factor, HUD will consider:

(1) Your recent, relevant and successful demonstrated experience (including governmental and community-based partners) to undertake eligible program activities. You must describe the knowledge and experience of the proposed overall project director and day-to-day program manager in planning and managing large and complex interdisciplinary programs, especially involving housing rehabilitation, public health, or environmental programs. You must demonstrate that you have sufficient personnel or will be able to quickly retain qualified experts or professionals, to immediately begin your proposed work program and to perform your proposed activities in a timely and effective fashion. In the narrative response for this factor, you should include information on your program staff, their experience, commitment to the program, salary information, and position titles. Resumes (for up to three key personnel), position descriptions, and a clearly identified organizational chart for the lead hazard control grant program effort must be included in an appendix. Indicate the percentage of time that key personnel will devote to your project. We recommend using a full-time day-to-day program manager. Describe how other principal components of your agency or other organizations will participate in or otherwise support the grant program. You may demonstrate capacity by prior experience in initiating and implementing lead hazard control efforts and/or related environmental, health, or housing projects and should be thoroughly described. You should indicate how this prior experience will be used in carrying out your proposed comprehensive Lead-Based Paint Hazard Control Grant Program.

(2) If you have received previous HUD Lead Hazard Control Grant funding, your past experience will be evaluated

in terms of progress under the most recent previous grant. You must provide a description of your progress in implementing your most recent grant award within the period of performance, including the total number of housing units completed as of the most recent calendar quarter.

**Rating Factor 2: Needs/Extent of the Problem** (20 Points)

This factor addresses the extent to which there is a need for the proposed program activities to address a documented problem in the target area.

(1) Document a critical level of need for your proposed activities in the area where activities will be carried out. Since the principal objective of the program is to prevent at-risk children from being poisoned, specific attention must be paid to documenting such need as it applies to the targeted areas, rather than the entire locality or state. If the target area is an entire locality or state, then documenting need at this level is appropriate.

(2) Document the extent of the problem which will be addressed by your proposed activities. Examples of data that you might use to demonstrate need, include, but are not limited to:

(a) Numbers and proportions of children with elevated blood lead levels;

(b) Economic and demographic data relevant to the target area, including poverty and unemployment rates;

(c) Housing market data available from HUD, or other data sources, including the Consolidated Plan/AI, Public Housing Authority's Five Year Comprehensive Plan, State or local Welfare Department's Welfare Reform Plan; or

(d) Lack of other Federal, State or local funding that could be, or is used, to address lead hazard control.

(3) To the extent that statistics and other data contained in your community's Consolidated Plan or Analysis of Impediments to Fair Housing Choice (AI) support the extent of the problem, you should include references to the Consolidated Plan and the AI in your response.

(4) Provide information on your jurisdiction, or preferably, the areas targeted for the lead hazard control activities (data may be available in your currently approved Consolidated Plan, derived from 1990 Census Data, or special local studies):

(a) The age and condition of housing;

(b) The number and percentage of very-low (income less than 50% of the area median) and low (income less than 80% of the area median) income families, as determined by HUD, with

adjustments for smaller and larger families;

(c) The number and proportion of children under six years (72 months) of age at risk of lead poisoning;

(d) The extent of the lead poisoning problem in children under six years of age in target areas;

(e) The health and economic impacts of Superfund or Brownfields sites on the targeted neighborhoods or communities; and

(f) Other socioeconomic or environmental factors that demonstrate a need to establish or continue lead hazard control work in your jurisdiction.

(5) You also must provide documentation of the priority that the community's Consolidated Plan has placed on addressing the needs you described.

(6) If your application addresses needs that are in the Consolidated Plan, Analysis of Impediments to Fair Housing Choice, court orders or consent decrees, settlements, conciliation agreements, and voluntary compliance agreements, you will receive more points than applicants that do not relate their program to identified needs.

(7) For you to receive maximum points for this factor, there must be a direct relationship between your proposed activities, community needs, and the purpose of the program funding.

**Rating Factor 3: Soundness of Approach** (45 points for previously unfunded applicants and 35 points for existing grantees)

This factor addresses the quality and cost-effectiveness of your proposed work plan. You should present information on your proposed lead-based paint hazard control program and describe how it will satisfy the identified needs. To the extent possible, describe a comprehensive strategy to address the need to protect entire neighborhoods rather than individual units or homes. Your response to this factor should include the following elements:

(1) *Lead Hazard Control Strategy* (35 points for previously unfunded applicants; 25 points for existing grantees). Describe your strategy to plan and execute your lead hazard control grant program. You should provide information on:

(a) *Implementing a Lead Hazard Control Program* (15 points for previously unfunded applicants; 10 points for existing grantees). Describe your overall strategy for your proposed lead hazard control program. The description must include information on:

(i) Your previous experience in reducing or eliminating lead-based paint hazards in conjunction with other Federal, State or locally funded programs.

(ii) Your overall strategy for the identification, selection, prioritization, and enrollment of units of eligible privately-owned housing for lead hazard control. Describe the proposed activities that will occur in a high performing Empowerment Zone or Enterprise Community (EZ/EC). Provide estimates of the total number of owner occupied and/or rental units which will receive lead hazard control.

(iii) The degree to which the work plan focuses on eligible privately-owned housing units with children under six years (72 months) old. Describe your planned approach to control lead hazards before children are poisoned and/or to control lead hazards in units where children have already been identified with an elevated blood lead level. Describe your process for referring and tracking children with elevated blood lead levels for medical case management. Provide estimates of the number of children you will assist through this program.

(iv) The financing strategy, including eligibility requirements, terms, conditions, and amounts available, you will use in carrying out lead hazard control activities. You must discuss the way these funds will be administered (e.g. use of grants, deferred loans, forgivable loans, other resources, private sector financing, etc.), as well as the agency that will administer the financing process.

(v) You should describe how your proposed program will satisfy the stated needs or will assist in addressing the impediments in the AI. Describe how your proposed program will further and support the policy priorities of the Department, including promoting healthy homes; providing opportunities for self-sufficiency, particularly for persons enrolled in welfare to work programs; or providing educational and job training opportunities.

(b) *Lead Hazard Control Outreach and Community Involvement* (5 points for all applicants). Your application must describe:

(i) Proposed methods of community education. These may include community awareness, education, training, and outreach programs in support of the work plan and objectives. This description should include general and/or targeted efforts undertaken to assist your program in reducing lead exposure. Programs should be culturally sensitive, targeted, and linguistically appropriate. Upon request, this

approach would include making all materials available in alternative formats to persons with disabilities (e.g., Braille, audio, large type), to the extent possible.

(ii) How you intend to involve neighborhood or community-based organizations in your proposed activities. Your activities may include outreach, community education, marketing, inspection (including dust lead testing), and the conduct of lead hazard control activities. HUD will evaluate the level of substantive involvement during the review process.

(iii) Outreach strategies and methodologies to affirmatively further fair housing and provide lead-safe housing to all segments of the population: homeowners, owners of rental properties, and tenants; especially for occupants least likely to receive its benefits. Once the population to which outreach will be "targeted" is identified, outreach strategies directed specifically to them should be multifaceted. This criterion goes beyond testing and hazard control; it concerns what happens to the units after lead hazard control activities and tries to ensure, for the long term, that all families will have adequate, lead-safe housing choices.

(iv) Describe the ways you will train individuals and contractors in housing related trades, such as painters, remodelers, renovators, and maintenance personnel, in lead-safe practices. Describe how you will integrate such practices into lead hazard control activities.

(c) *Technical Approach for Conducting Lead Hazard Control Activities* (15 points for previously unfunded applicants; 10 points for existing grantees).

(i) Describe your process for risk assessment and/or inspection of units of eligible privately-owned housing in which you will undertake lead hazard control. You may include in the inventory of housing to receive lead hazard control housing having a risk assessment or inspection already performed by certified inspectors or risk assessors, in accordance with the HUD Guidelines and identified with lead-based paint hazards.

(ii) Describe your testing methods, schedule, and costs for performing blood lead testing, risk assessments and/or inspections to be used. If you propose to use a more restrictive standard than the HUD thresholds (e.g., 0.5% or 1.0 mg/cm<sup>2</sup>), identify the lead-based paint threshold for undertaking lead hazard control which will be used. All testing shall be performed in accordance with the HUD Guidelines.

(iii) Describe the lead hazard control methods you will undertake and the number of units you will treat for each method selected (interim controls, hazard abatement, and complete abatement). Provide an estimate of the per unit costs (and a basis for those estimates) for each lead hazard control method proposed and a schedule for initiating and completing lead hazard control work in the selected units. Discuss efforts to incorporate cost-effective lead hazard control methods. If you propose complete abatement, provide HUD with a detailed rationale for that decision.

(iv) Describe how you will integrate proposed lead hazard control activities with rehabilitation activities.

(v) Describe your contracting process, including development of specifications for selected lead hazard control methods. Describe the management processes you will use to ensure the cost-effectiveness of your lead hazard control methods. Your application must include a discussion of the contracting process for the conduct of lead hazard control activities in the selected units.

(vi) Describe your plan for occupant protection or the temporary relocation of occupants of units selected for lead hazard control work. This discussion should address your use of safe houses and other housing arrangements, storage of household goods, stipends, incentives, etc.

(vii) If you are an existing grantee, you must describe the actions you will take to ensure that your proposed lead hazard control work will occur concurrently with other ongoing HUD lead hazard control grant work. Your application must provide the detail necessary to assure HUD that you will implement the proposed work immediately and perform it concurrently with existing lead hazard control grant work.

(viii) If you are an existing grantee, you must describe your progress in implementing your most recent lead hazard control grant award. If the production achieved is below the performance values (percentages of units completed) provided in the application kit, and no changes are proposed, you should explain why the strategy in the earlier grant remains appropriate.

(2) *Economic Opportunity* (5 points for all applicants)

Describe the methods to be used to provide economic opportunities for residents and businesses in the community. This discussion should include information on how you will promote training, employment, business development, and contract



opportunities as part of your lead hazard control program. Describe how you will accomplish the requirements of Section 3 of the Housing and Community Development Act of 1992 to give preference to hiring of low- and very low-income persons or contracting with businesses owned by or employing low- and very low-income persons.

(3) *Program Evaluation, Data Collection, and Research* (5 points for all applicants).

Identify and discuss the specific methods and measures you will use (in addition to HUD reporting or data collection forms) to measure progress, evaluate program effectiveness, and make program changes to improve performance. Describe how you will obtain, document and report the information. Describe your plans to develop and maintain a registry of publicly available information on lead-safe units, so that families (particularly those with children under age six) can make informed decisions regarding their housing options. In addition, provide a detailed description of any proposed applied research activities.

(4) *Budget* (not scored) HUD will evaluate your proposed budget (for 36 month period) to determine if it is reasonable, clearly justified, and consistent with the intended use of grant funds. HUD is not required to approve or fund all proposed activities. You may devote up to 36 months for the planning, implementation, and completion of lead hazard control activities. You must thoroughly document and justify all budget categories and costs (Part B of Standard Form 424A) and all major tasks. Describe in detail the budgeted costs for each program element (major task) included in the overall plan (the program elements are: administration; program management; marketing, community awareness, education and outreach; lead hazard control (including testing); relocation; program evaluation (including data collection); and applied research).

#### Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to obtain other community resources (financing is a community resource) that can be combined with HUD's program resources to achieve program objectives.

(1) In evaluating this factor, HUD will consider the extent to which you have established working partnerships with other entities to get additional resources or commitments to increase the effectiveness of the proposed program activities. Resources may include cash or in-kind contributions (such as

services or equipment) allocated to the proposed program. Resources may be provided by governmental entities, public or private organizations, or other entities partnering with you. Partnership relationships with community-based organizations are a requirement for State and local government applicants. State applicants which do not have such partnerships at the time of application will be required to establish partnership relationships between the state and/or local subgrantees and community-based organizations immediately following grant award (this requirement does not apply to you if you are an Indian Tribe applicant). You also may partner with other program funding recipients to coordinate the use of resources in your target area.

(2) You may not include funding from any Federally funded program (except the CDBG program) as part of your required 10% match. Other resources committed to the program that exceed the required 10% match will provide points for this rating factor and may include funds from other Federally funded programs. You must support each source of contributions, cash or in-kind, both for the required minimum and additional amounts, by a letter of commitment from the contributing entity, whether a public or private source. This letter must describe the contributed resources that you will use in the program. Staff in-kind contributions should be given a monetary value. If you do not provide letters specifying details and the amount of the actual contributions, those contributions will not be counted.

(3) You must provide evidence of leveraging or partnerships by including letters of firm commitment, memoranda of understanding, or agreements to participate from those entities identified as partners in your application. Each letter of commitment, memorandum of understanding, or agreement to participate should include the organization's name, the proposed level of commitment and responsibilities as they relate to your proposed program. The commitment must be signed by an official of the organization legally able to make commitments on behalf of the organization. Describe the role of community-based organizations in specific program activities, such as hazard evaluation and control; monitoring; and awareness, education, and outreach within the community.

#### Rating Factor 5: Comprehensiveness and Coordination (10 Points).

This factor addresses the extent to which your program reflects a

coordinated, community-based process of identifying needs and building a system to address the needs by using available HUD and other community resources. In evaluating this factor, HUD will consider how you have:

(1) Coordinated your proposed activities with those of other groups or organizations to best support and coordinate all known activities and, the specific steps you will take to share information on solutions and outcomes with others. Any written agreements or memoranda of understanding in place or proposed should be described.

(2) Become actively involved (or if not currently active, the specific steps it will take to become active) in your community's Consolidated Planning process established to identify and address a need/problem that is related in whole, or part, directly, or indirectly to the activities you propose.

(3) Developed linkages, or the specific steps you will take to develop linkages with other activities, programs or projects through meetings, information networks, planning processes or other mechanisms to coordinate your activities so solutions are comprehensive, including linkages with:

(a) Other HUD funded projects/activities outside the scope of those covered by the Consolidated Plan; and

(b) Other HUD, Federal, State or locally funded activities, including those proposed or on-going in the community(s) served.

(4) Coordinated and integrated lead hazard control work with housing rehabilitation, housing and health codes, other related housing programs, or including work of community development corporations and childhood lead poisoning prevention programs.

(a) Described the degree to which lead hazard control work will be done in conjunction with other housing-related activities (i.e., rehabilitation, weatherization, correction of code violations, and other similar work), and your plan for the integration and coordination of lead hazard control activities into those activities.

(b) Described plans to incorporate lead-based paint maintenance, essential maintenance practices, and hazard control standards with the applicable housing codes and health regulations.

(c) Described plans to generate and use public subsidies or other resources (such as revolving loan funds) to finance future lead hazard control activities.

(d) Described plans to develop public-private lending partnerships to finance lead hazard control as part of acquisition and rehabilitation financing

including the use of Community Reinvestment Act "credits" by lending institutions.

(e) Evidenced firm commitments from participating organizations by describing:

- (i) The name of each organization;
- (ii) The capabilities or focus of each organization;
- (iii) The proposed level of effort of each organization; and
- (iv) The resources and responsibilities of each organization, including the applicant's clearly proposed plans for the training and employment of low-income residents.

(f) Described plans to implement a registry of lead-safe housing.

(g) Detailed the extent to which the policy of affirmatively furthering fair housing for all segments of the population is advanced by the proposed activities. Detail how your proposed work plan will support the community's efforts to further housing choices for all segments of the population. If you have an existing grant, you should discuss activities which have contributed to enhanced lead safe housing opportunities to all segments of the population.

(h) Described plans to adapt or amend statutes, regulations, or policies which will more fully integrate lead hazard control into community policies and priorities.

(5) Coordinated and cooperated with other organizations which will lead to a reduction in lead risks to community residents. This could include such activities as free training on lead-safe repainting and remodeling; promotion of essential maintenance practices; and provision of lead dust testing to low-income, privately-owned homes which may not receive lead hazard control assistance under this grant program.

## VI. Application Submission Requirements

### (A) Applicant Information

#### (1) Application Format

The application narrative response to the Rating Factors is limited to a maximum of 25 pages. Your response must be typewritten on one (1) side only on 8½" × 11" paper using a 12 point (minimum) font with not less than ¾" margins on all sides. Appendices should be referenced and discussed in the narrative response. Materials provided in the appendices should directly apply to the rating factor narrative.

#### (2) Application Checklist

In addition to the certifications and assurances listed in the General Section

of the SuperNOFA, you must submit the following:

(a) Transmittal Letter that identifies "the applicant" (or applicants) submitting the application, the dollar amount requested, what the program funds are requested for, and the nature of involvement with community-based organizations.

(b) The name, mailing address, telephone number, and principal contact person of "the applicant." If you have consortium associates, sub-grantees, partners, major subcontractors, joint venture participants, or others contributing resources to your project, you must provide similar information for each of these partners.

(c) Lead-Based Paint Contractor Certification and Accreditation Program

(i) If you are a State or Indian Tribe, the EPA authorization of the state program (Section 402 and 404 of TSCA) must be included.

(ii) If you are a local government in States which do not have an EPA authorized lead-based paint contractor certification program, you must provide assurances that you will use only performers certified under EPA-authorized state programs in conducting lead hazard control work.

(d) A detailed budget with supporting cost justifications for all budget categories of your grant request. You must provide a separate estimate for the overall grant management element (Administrative Costs), which is more fully defined in the application kit for this program section of the SuperNOFA. The budget shall include not more than 10% for administrative costs and not less than 90% for direct project elements. In the event of a discrepancy between grant amounts requested in various sections of the application, the amount you indicate on the SF-424 will govern as the correct value.

(e) An itemized breakout (using the SF-424A) of your required matching contribution, including:

- (i) Values placed on donated in-kind services;
- (ii) Letters or other evidence of commitment from donors; and
- (iii) The amounts and sources of contributed resources.

(f) Memoranda of Understanding or Agreement, letters of commitment or other documentation describing the proposed roles of agencies, local broad-based task forces, participating community or neighborhood-based groups or organizations, local businesses, and others working with the program.

(g) A copy of your approval notification for the current program year for your jurisdiction's Consolidated

Plan. You also should include a copy of the lead hazard control element included in your current program year's Consolidated Plan.

(h) Narrative responses to the five rating factors.

### (B) Proposed Activities

All applications must, at a minimum, contain the following items:

(1) A description of the affected housing and population you will serve.

(a) Describe the size and general characteristics of the target housing within the jurisdiction, including a description of the housing's location, condition, and occupants, and a current estimate of the number of children under the age of six in these units. You should provide other characteristics described in Rating Factor 2 (Need). If you are targeting specific area(s) (neighborhoods, census tracts, etc.) within your jurisdiction for lead hazard control activities, describe these same characteristics for the area. You should also include vacant housing that subsequently will be occupied by low-income renters or owners in this description. You may include maps as an appendix.

(b) Provide information on the magnitude and extent of the childhood lead poisoning problem within your jurisdiction and for any area(s) you will include in your lead hazard control program.

(c) Narrative statement addressing the rating factors for award of funding under this program section of the SuperNOFA. Your narrative statement must be numbered in accordance with each factor for award (Factor 1 through 5).

## VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

## VIII. Environmental Requirements

In accordance with HUD regulations in 24 CFR part 58, recipients of lead-based paint hazard control grants will assume Federal environmental review responsibilities. Recipients of a grant under this NOFA will be given guidance in these responsibilities.

## IX. Authority

The Lead-Based Paint Hazard Control Program is authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of the Housing and Community Development Act of 1992).

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**DEPARTMENT OF HOUSING  
AND URBAN DEVELOPMENT**

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**RESEARCH TO IMPROVE  
EVALUATION AND CONTROL  
OF RESIDENTIAL  
LEAD-BASED PAINT HAZARDS**



## Notice of Funding Availability for Research to Improve the Evaluation and Control of Residential Lead-Based Paint Hazards

### Program Overview

**Purpose of the Program.** To fund research to improve methods for detecting and controlling residential lead-based paint hazards.

**Available Funds.** Approximately \$2.5 million.

**Eligible Applicants.** Academic and not-for-profit institutions located in the U.S., and State and local governments. For-profit firms also are eligible; however, they are not allowed to earn a fee (i.e., no profit can be made from the project).

**Application Deadline.** May 26, 1999.  
**Match.** None.

### Additional Information

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information.

### I. Application Due Date, Application Kits, Further Information, and Technical Assistance

**Application Due Date.** Submit an original and four copies of your completed application on or before 12:00 midnight Eastern time on May 26, 1999.

See the General Section of this SuperNOFA for specific procedures that you must follow for the form of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

**Address for Submitting Applications.**  
**For Mailed Applications.** The address for mailed applications is: Department of Housing and Urban Development, 451 7th Street, S.W., Room P3206, Washington, D.C. 20410.

**For Overnight/Express Mail or Hand Carried Applications.** The address for overnight/express mail or hand carried applications is: HUD Office of Lead Hazard Control, 490 L'Enfant Plaza, SW, Suite 3206, Washington, DC 20024.

**For Application Kits.** You may obtain an application kit from the SuperNOFA Information Center at 1-800-HUD-8929, or the TTY number at 1-800-483-2209. When requesting an application kit, please refer to the Lead Hazard Control Research grant program. Please be sure to provide your name, address (including zip code), and telephone number (including area code).

**For Further Information and Technical Assistance.** For further information, you may contact: Dr. Peter Ashley, Office of Lead Hazard Control,

at the address above; telephone (202) 755-1785, extension 115, or Ms. Karen Williams, Grants Officer, extension 118 (these are not toll-free numbers). Hearing- and speech-impaired persons may access the above telephone number via TTY by calling the toll-free Federal Information Relay Service at 1-800-877-8339.

### II. Amount Allocated

Approximately \$2.5 million will be available to fund research proposals in FY 1999. Grants or cooperative agreements will be awarded on a competitive basis according to the Rating Factors described in section V(B). HUD anticipates that individual awards will range from approximately \$250,000 to approximately \$1,000,000.

### III. Program Description; Eligible Applicants; Eligible Activities

#### (A) Program Description

**Background.** HUD has been actively engaged in a number of activities relating to lead-based paint as a result of the Lead-Based Paint Poisoning Prevention Act (LBPPPA) of 1971, as amended, 42 U.S.C. 4801-4846. Sections 1051 and 1052 of the Lead Based Paint Hazard Reduction Act of 1992 ("Title X") (42 U.S.C. 4854 and 4854a) state that the Secretary of HUD, in cooperation with other Federal agencies, shall conduct research on specific topics related to the evaluation and subsequent mitigation of residential lead hazards. This research program also implements, in part, HUD's Departmental Strategy for Achieving Environmental Justice pursuant to Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations).

The HUD-sponsored research also responds to recommendations that were made by the Task Force on Lead-Based Paint Hazard Reduction and Financing, which was established pursuant to section 1015 of Title X. The Task Force presented its final report to HUD and the Environmental Protection Agency (EPA) in July 1995. The Task Force Report, entitled "Putting the Pieces Together: Controlling Lead Hazards in the Nation's Housing" (see Appendix A of this program section of the SuperNOFA), recommended research be conducted on a number of key topics to address significant gaps in our knowledge of lead exposure and hazard control. Research findings will be used in part to update HUD's *Guidelines for the Evaluation and Control of Lead-Based Paint in Housing* ("Guidelines"), which were published in June, 1995 (see

Appendix A of this program section of the SuperNOFA). The *Guidelines* are a report on state-of-the-art procedures for all aspects of lead-based paint hazard evaluation and control. The *Guidelines* reflect the Title X framework for lead hazard control, which distinguishes three types of control measures: interim controls, abatement of lead-based paint hazards, and complete abatement of all lead-based paint. Interim controls are designed to address hazards quickly, inexpensively, and temporarily, while abatement is intended to produce a permanent solution. While the *Guidelines* recommend procedures that are effective in identifying and controlling lead hazards while protecting the health of abatement workers and occupants, HUD recognizes that targeted research and field experience will result in future changes to the *Guidelines*.

#### (B) Eligible Applicants

Academic and not-for-profit institutions located in the U.S., and State and local governments are eligible under all existing authorizations. Nonprofit institutions must submit proof of their nonprofit status. For-profit firms also are eligible; however, they are not allowed to earn a fee (i.e., no profit can be made from the project). Federal agencies and Federal employees are not eligible to submit applications. The General Section of the SuperNOFA provides additional eligibility requirements.

#### (C) Eligible Activities

(1) **General Goals and Objectives.** The overall goal of this research is to gain knowledge to improve the efficacy and cost-effectiveness of methods for lead-based paint hazard evaluation and control. Specific research topics for which applications are being solicited include:

(a) Treatment of lead-contaminated residential soils;

(b) Efficacy of the current guidance on conducting risk assessments of multifamily housing; and,

(c) Other areas of research that are consistent with the overall goals of this program section of the SuperNOFA.

Research objectives for the specific research topics listed above are provided separately in the expanded discussion of these topic areas that follows in Section III(C)(2). Although HUD is soliciting proposals for research on these specific topics, the Department will also consider funding applications for research on topics which are relevant under the overall goals and objectives of this research, as described above. In such instances, the applicant

should describe how the proposed research activity addresses these overall goals and objectives.

(2) *Background and Objectives for Specific Research Topic Areas.*

(a) *Treatment of Lead-Contaminated Soils.*

(i) *General.* Soils can become lead contaminated as a result of the shedding of leaded paint from the exterior of structures and by the deposition of airborne particulate lead. Before the removal of lead from gasoline, vehicular emissions were a significant source of airborne lead, especially in urban areas. Children can be exposed to lead in soil and exterior dust through direct contact and incidental ingestion, and indirectly as a result of soil or dust being tracked or blown into the home and becoming incorporated into house dust. The degree to which soil-lead is a hazard depends upon the potential for contact and the lead concentration of the soil.

The HUD *Guidelines* (Chapter 5) indicate that bare soils should be considered hazardous if they exceed 400 ppm Pb in "high contact" areas (e.g., play areas) and if they exceed 2,000 ppm Pb in other areas of the yard. The *Guidelines* further indicate that outside of high contact areas, hazard control measures are not required unless the surface area for bare soils exceeds 9 ft<sup>2</sup>. Requirements for soil-lead hazard assessment and controls in HUD's proposed rule implementing sections 1012 and 1013 of Title X (evaluation and control of lead hazards in federally assisted housing) are generally consistent with the HUD *Guidelines*. The *Guidelines* are also generally consistent with interim guidance for lead in soil published by the U.S. EPA (Guidance on the Identification of Lead-Based Paint Hazards, 60 FR 47247; September 11, 1995).

The EPA has also recently proposed soil-lead standards, as required by section 403 of the Toxic Substances Control Act (TSCA) (63 FR 30302-55; June 3, 1998). Soil-lead hazards can be mitigated using approaches that can be described as either interim controls or long term abatement measures (i.e., interventions that remain effective for at least 20 years). Interim controls include various means of covering bare soil, such as with grass, gravel, or mulch. Land use controls can also be employed and include measures such as fencing and changing the location of play equipment. Interim controls are generally low cost and relatively easy to employ; however, they require periodic monitoring to ensure that they remain effective.

Current HUD guidance calls for residential soils to be abated if soil-lead

levels exceed 5,000 ppm. Soil abatement includes such measures as covering soil with impervious materials like concrete or asphalt, or removing contaminated soils for off-site disposal. Another, more experimental approach, includes removing soil for on-site treatment that removes lead, followed by replacing the "cleaned" soil. Because of the high cost of soil abatement methods, in conjunction with other barriers to their implementation (e.g., disposing of lead-contaminated soils), these methods are currently impractical for widespread adoption.

Other approaches to reducing soil-lead hazards cannot be readily characterized as either interim controls or soil abatement. An example, which has not been evaluated scientifically, is tilling the soil to reduce the lead concentration at the soil surface. Another example is the untested concept of treating soil with a substance (e.g., ground phosphate rock) that would be expected to reduce the biological availability (i.e., the degree to which the lead is absorbed into the bloodstream following ingestion) of the soil-lead to humans.

Relatively little research has been reported on the effectiveness of residential soil treatments in reducing children's lead exposures. Some studies have reported significant reductions in the blood-lead levels of children following the implementation of interim soil hazard reduction measures in conjunction with other lead hazard control measures performed on dwelling interiors. However, this type of study design makes it difficult to parse out the effect of the soil hazard controls in reducing lead exposure.

The EPA-funded "Three City Study" assessed the impact of residential or neighborhood soil and dust abatement on children's blood lead levels (USEPA 1996). A small decline in the mean blood lead of children was observed following soil abatement at one of the three study sites.

The major goals of this research are to improve methods for assessing potential risks from soil-lead exposure, to determine the effectiveness of various interim control methods of reducing residential soil-lead hazards, and to identify novel, cost-effective approaches to reducing or eliminating residential soil-lead hazards.

(ii) *Specific Research Objectives.* Specific research objectives include the following:

(1) Assess the effectiveness of selected interim control methods at reducing or eliminating residential soil-lead hazards;

(2) Develop and assess novel, cost-effective methods for reducing or eliminating residential soil-lead hazards;

(3) Assess the adequacy of the current EPA (1994 interim guidelines and 1998 proposed rule) and HUD *Guidelines* for identifying residential soil-lead hazards (e.g., area of bare soil for a hazardous condition, soil sampling guidelines); and

(4) Improve knowledge regarding the relative importance of exterior dust and soil as lead exposure sources for children in various residential environments.

(b) *Lead Hazard Risk Assessment of Multifamily Housing.*

(i) *General.* For the purpose of assessing residential housing for lead-based paint hazards, Title X defines a lead-based paint hazard risk assessment as an on-site investigation of a dwelling for the purpose of identifying any lead-based paint hazards. Risk assessments include, but are not limited to, a visual assessment and limited environmental sampling, and creation of a written report with results and recommendations. It is also suggested that a risk assessor, to the extent feasible, conduct an investigation of the history and management of a dwelling and the age of the residents. Chapter 5 of the HUD *Guidelines* provides guidance on conducting risk assessments in single and multifamily housing, and addresses painted surfaces, dust, and soil. The described approaches for conducting lead hazard risk assessments in multifamily housing include methods that are based on: (a) targeted, worst case, and random sampling of housing units and common areas when assessing painted surfaces and/or dust for lead-based paint hazards, and (b) sampling of selected locations of building properties when assessing soil for lead hazards. These aspects of risk assessment are addressed by the *Guidelines* as follows:

*Painted surfaces and dust*

Targeted sampling involves the selection of housing units and common areas deemed most likely to contain lead-based paint hazards. These units and common areas are identified primarily through information that is supplied by the owner (i.e., verbally and/or through written records). Examples of criteria for selecting units to be sampled include condition (e.g., select if "poor"), the presence of children under age 6, and recent preparation for reoccupancy. One limitation of condition-based targeting is that most owners have little knowledge of lead risk assessment, and

may unintentionally fail to identify the units most likely to have LBP hazards; another arises from the potential conflict of interest of a risk assessor's reliance on the owner's characterization of the units and common areas. The *Guidelines* also provide a minimum number of units to be sampled in conducting risk assessments of similar multifamily units in developments of various sizes. The values provided were in part derived from a public housing risk assessment/insurance program.

The other approaches discussed in the *Guidelines* for choosing units to be assessed, worst case and random sampling, are suggested for use when there is not adequate information on which to select a target sample. They would be more costly than the targeted approach in most cases. The worst-case sampling approach requires an initial visual inspection of all units and common areas with subsequent selection of those in poorest condition, while the random sampling method requires the random selection of a statistically based sample, as is required for conducting lead-based paint inspections. The statistically based random sample generally requires the selection of many more units than targeted sampling.

A focused research effort is needed to assess the adequacy of the current HUD guidance for conducting risk assessments of multifamily developments. Research efforts could include the analysis of existing data from past risk assessments of multifamily developments (e.g., public housing) and/or the generation and analysis of new data generated from the assessment of a limited number of multifamily developments. As part of an evaluation of multifamily risk assessment guidance, consideration should be given as to how an assessor should characterize the results of a multifamily risk assessment in a manner that would maximize its utility to the client. If no lead hazards are identified, or if a clear pattern in the occurrence of lead hazards emerges, the reporting of results is straightforward. Other findings, however, such as the situation in which some lead hazards are detected with no apparent pattern of occurrence, are more difficult to characterize.

#### Soil

Chapter 5 of the HUD *Guidelines* recommends that bare soils be sampled during a risk assessment of multifamily housing; however, no additional guidance specific to multifamily housing is provided. The general guidance for soil sampling is to collect a minimum of two composite samples

per building, with one sample collected from the children's play area and the other sample collected from the front or back yard and/or an additional sample from the foundation drip line. It would be useful to expand this guidance to cover a wider range of conditions, such as large-area properties with a few high-occupancy buildings and multiple areas of bare soil, or small properties for which play areas may not be distinct from other areas. Improving the clarity of identification and characterization of play areas would also improve the existing guidance. Another question relates to the possible sampling of exterior dust. Should exterior dust be sampled, and if so, using what protocol, and how should results be interpreted?

(ii) *Specific Research Objectives.* The major objective is to assess the utility of the current HUD guidance on conducting lead-based paint hazard risk assessments in multifamily developments and to identify changes that could be made to improve this guidance. Specific research objectives include:

(1) Assess the utility of a "targeted sampling" approach in identifying lead hazards in multifamily housing in contrast to other approaches (e.g., random sampling).

(2) Evaluate the current guidance on the minimum number of units to be assessed in targeted risk assessments of multifamily housing.

(3) Develop guidance to risk assessors on cost effective methods of determining the location of hazards in unsampled units when the pattern of hazard occurrence is uncertain based on sampled units.

(4) Improve the guidance for conducting soil sampling in conjunction with risk assessments for a wide variety of multifamily housing.

(c) *Other Relevant Research.* HUD will also consider funding applications for research on topics which, although not specifically identified in this program section of the SuperNOFA, are relevant under the overall objective of improving the efficacy and cost-effectiveness of methods for the evaluation and control of lead-based paint hazards. All applications must comply with all requirements of this program section of the SuperNOFA.

Other research topics that are of interest to HUD include, but are not limited to:

(i) Assessment of the level of worker protection required for typical lead hazard abatement and control activities (i.e., as determined by personal exposure monitoring) with respect to evaluations of the type of work, properties of the work surfaces, training

and experience of workers and supervisors, etc.

(ii) The degree to which it is necessary to follow the approach recommended in the HUD *Guidelines* (Chapter 14) for clean-up (e.g., washing walls and ceilings, use of a HEPA vacuum and high phosphate detergents) following the completion of various lead hazard control interventions.

#### IV. Program Requirements.

The threshold requirements are listed in Section II.B of the General Section of this SuperNOFA.

#### V. Application Selection Process

##### (A) Submitting Applications for Grants

Your application must conform to the formatting guidelines specified in the application kit. This program section of the SuperNOFA specifies the sections to be included in the application and the application kit provides related formatting and content guidelines.

Applications that meet all of the threshold requirements will be eligible to be scored and ranked, based on the total number of points allocated for each of the rating factors described below in section V(B). Your application must receive a total score of at least 65 points to remain in consideration for funding.

HUD intends to make awards to qualifying applications in the following order:

STEP 1 An award will be made to the highest ranked application in each of the three topic areas (including the "other" area) listed at sections III(C)(1)(a) through (c) of this program section of the SuperNOFA, within the limits of funding availability. If there are insufficient funds to award in all topic areas, HUD will make awards in topics (a) through (c) in rank order;

STEP 2 If funding remains available, an award will be made to the second highest ranked application in each of the three topic areas listed at sections III.(C)(1)(a) through (c), within the limits of funding availability.

STEP 3 If funding remains available, awards will be made in rank order regardless of topic area.

You may address more than one of the research topic areas within your proposal; however, each topic area will be rated and ranked separately. Separate budgets should also be included for each of the topic areas, with the total cost not to exceed the total amount to be awarded. Projects need not address all of the objectives within a given topic area. While you will not be penalized for not addressing all of the specific objectives for a given topic area, if two applications for research in a given

topic have equal scores, HUD will select the applicant whose project addresses the most objectives.

You are encouraged to plan projects that can be completed over a relatively short time period (e.g., 12 to 24 months from the date of award) so that any useful information that is generated from the research can be available for policy or program decisions and be disseminated to the public as quickly as possible.

(B) *Rating Factors*. The factors for rating and ranking applicants, and maximum points for each factor, are provided below. The maximum number of points to be awarded is 102. This maximum includes two EZ/EC bonus points as described in the General Section of the SuperNOFA. Also, Section III(C)(2) of the General Section, which addresses a court-ordered consideration, is applicable to this program. The application kit contains additional guidance for responding to these factors.

**Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 Points)**

This factor addresses the extent to which you have the ability and organizational resources necessary to successfully implement the proposed activities in a timely manner. The rating of you, the "applicant," will include any sub-grantees, consultants, sub-recipients, and members of consortia which are firmly committed to the project (generally, "subordinate organizations"). In rating this factor HUD will consider the extent to which your application demonstrates:

(1) *The capability and qualifications of the principal investigator and key personnel* (10 points). Qualifications to carry out the proposed study as evidenced by academic background, relevant publications, and recent (within the past 10 years) relevant research experience. Publications and research experience are considered relevant if they required the acquisition and use of knowledge and skills that can be applied in the planning and execution of the research that is proposed under this program section of the SuperNOFA.

(2) *Past performance of the research team in managing similar research* (10 points). Demonstrated ability to successfully manage the various aspects of a complex research study in such areas as logistics, research personnel management, data management, quality control, community research involvement (if applicable), and report writing, as well as overall success in project completion (i.e., research

completed on time and within budget). You should also demonstrate that the project would have adequate administrative support, including clerical and specialized support in areas such as accounting and equipment maintenance.

**Rating Factor 2: Need/Extent of the Problem (15 Points)**

(1) You must demonstrate responsiveness to solicitation objectives. You should explain in detail the likelihood that the research would make a significant contribution towards achieving some or all of HUD's stated goals and objectives for one or more of the topic areas described in sections III(C)(2)(a)-(c) of this program section of the SuperNOFA. You also should explain how the proposed research could lead to improvements or additions to the HUD Guidelines.

(b) If you are seeking funding for "other" research, as is described in section III(C)(2)(c), you must provide an explanation which demonstrates the importance and need for the research with respect to addressing the overall goal of this program section of the SuperNOFA (see section III(C)(1)).

**Rating Factor 3: Soundness of Approach (45 Points)**

This factor addresses the quality of your proposed research plan. Specific components include the following:

(1) *Soundness of the study design* (25 points). The study design must be thorough and feasible, and reflect your knowledge of the relevant scientific literature. You should include a plan for analyzing and archiving data.

(2) *Project management plan* (10 points). The proposal should include a management plan that provides a schedule for the completion of major tasks and deliverables, with an indication that there will be adequate resources (e.g., personnel, financial) to successfully meet the proposed schedule. Projects with a duration of 24 months or less will be awarded more points in this category than projects with a longer duration.

(3) *Quality assurance mechanisms* (5 points). You must describe the quality assurance mechanisms which will be integrated into your research design to ensure the validity and quality of the results. Areas to be addressed include acceptance criteria for data quality, procedures for selection of samples/sample sites, sample handling, measurement and analysis, and any standard/nonstandard quality assurance/control procedures to be followed. Documents (e.g., government reports, peer-reviewed academic

literature) which provide the basis for the quality assurance mechanisms should be cited.

(4) *Budget Proposal* (5 Points). The budget proposal should be thorough in the estimation of all applicable direct and indirect costs, and should be presented in a clear and coherent format in accordance with the requirements listed in the General Section of this SuperNOFA.

**Rating Factor 4: Leveraging Resources (10 Points)**

The extent to which you can demonstrate that the effectiveness of the HUD research grant funds is being increased by securing other public and/or private resources or by structuring the research in a cost-effective manner, such as integrating the project into an existing research effort. Resources may include funding or in-kind contributions (such as services, facilities or equipment) allocated to the purpose(s) of the research. Staff and in-kind contributions should be given a monetary value.

You must provide evidence of leveraging/partnerships by including in the application letters of firm commitment, memoranda of understanding, or agreements to participate from those entities identified as partners in the application. Each letter of commitment, memorandum of understanding, or agreement to participate should include the organization's name, proposed level of commitment and responsibilities as they relate to the proposed program. The commitment must also be signed by an official of the organization legally able to make commitments on behalf of the organization.

**Rating Factor 5: Comprehensiveness and Coordination (10 Points)**

You should describe how the results of your proposed research efforts will support planning, policy development, implementation of lead hazard control programs, and/or public education in the area of residential lead hazard control.

**VII. Application Submission Requirements**

**(A) Applicant Data**

Applications should be submitted in accordance with the format and instructions contained in this program section of the SuperNOFA. The following are required elements of the application (the application kit provides all necessary details and information):

(1) Transmittal Letter that identifies what the program funds are requested



for, the dollar amount requested, and the applicant or applicants submitting the application.

(2) The name, mailing address, telephone number, and principal contact person of the applicant. If the applicant has consortium associates, sub-grantees, partners, major subcontractors, joint venture participants, or others contributing resources to the project, similar information shall also be provided for each of these entities.

(3) Completed Forms HUD-2880, Applicant/Recipient Disclosure/Update Report; Certification Regarding Lobbying; and SF-LLL, Disclosure of Lobbying Activities, where applicable.

(4) Standard Forms SF-424, 424A, 424B, and other certifications and assurances listed in the General Section of the SuperNOFA and in section VII(B) of this program section of the SuperNOFA.

(5) A detailed total budget with supporting cost justification for all budget categories of the Federal grant request.

(6) A one-page abstract containing the following information: The project title, the names and affiliations of all investigators, and a summary of the objectives, expected results, and study design described in the proposal.

(7) A project description that does not exceed 25 pages for each research topic area.

(8) Any important attachments, appendices, references, or other relevant information may accompany the project description, but must not exceed fifteen (15) pages for the entire application.

(9) A narrative statement addressing the rating factors for award of funding under this program section of the SuperNOFA. The narrative statement must be numbered in accordance with each factor for award (Factor 1 through 5). The response to the rating factors should not exceed a total of 20 pages for each research topic area. (See application kit for format and required elements.)

(10) The résumés of the principal investigator and other key personnel. Resumes shall not exceed three pages, and are limited to information that is relevant in assessing the qualifications of key personnel to conduct and/or manage the proposed research.

(11) Copy of State Clearing House Approval Notification (see application kit to determine if applicable).

(B) *Certifications and Assurances.* The following certifications and assurances are to be included in all applications:

(1) Compliance with all relevant State and Federal regulations regarding

exposure to and proper disposal of hazardous materials.

(2) Assurance that the financial management system meets the standards for fund control and accountability (24 CFR 84.21 or 24 CFR 85.20, as applicable);

(3) Assurance, to the extent possible and applicable, that any blood lead testing, blood lead level test results, and medical referral and follow-up for children under six years of age will be conducted according to the recommendations of the Centers for Disease Control and Prevention (CDC) (*Preventing Lead Poisoning in Young Children*, See Appendix A of this program section of the SuperNOFA);

(4) Assurance that HUD research grant funds will not replace existing resources dedicated to any ongoing project; and

(5) Certification of compliance with the Drug-Free Workplace Act of 1988 in accordance with the requirements set forth at 24 CFR part 24.

(6) Assurance that laboratory analysis covered by the National Lead Laboratory Accreditation Program (NLLAP) is conducted by a laboratory recognized under the program.

(7) Assurance that human research subjects will be protected from research risks in conformance with the Common Rule (Federal Policy for the Protection of Human Subjects, codified by HUD at 24 CFR part 60).

## VIII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

## IX. Environmental Requirements

In accordance with 24 CFR 50.19(b)(1) and (5) of the HUD regulations, activities assisted under this program are categorically excluded from the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and are not subject to environmental review under the related laws and authorities.

## X. Authority

These grants are authorized under sections 1051 and 1052 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, which is Title X of the Housing and Community Development Act of 1992.

## Appendix A—Relevant Publications and Guidelines

To secure any of the documents listed, call the listed telephone number (generally, the telephone numbers are not toll-free).

### Regulations

1. Worker Protection: OSHA publication—Telephone: 202-693-1888 (OSHA

Regulations) (available for a charge)—Government Printing Office—Telephone: 202-512-1800 (not a toll-free number):

—General Industry Lead Standard, 29 CFR 1910.1025; (Document Number 869022001124)

—Lead Exposure in Construction, 29 CFR 1926.62, and appendices A, B, C, and D; (Document Number 869022001141)

2. Waste Disposal: 40 CFR parts 260–268 (EPA regulations) (available for a charge)—Telephone 1-800-424-9346, or, from the Washington, DC, metropolitan area, 1-703-412-9810 (not a toll-free number).

3. Lead; Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; Final Rule: 40 CFR Part 745, Subparts L and Q (EPA) (State Certification and Accreditation Program for those engaged in lead-based paint activities)—Telephone: 1-202-554-1404 (Toxic Substances Control Act Hotline) (not a toll-free number).

4. Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance; Proposed Rule: 24 CFR Parts 35, 36 and 37 (HUD)—Telephone: 1-202-755-1785 (Office of Lead Hazard Control) (not a toll-free number).

5. U.S. Environmental Protection Agency. Lead; Identification of Dangerous Levels of Lead; Proposed Rule. **Federal Register**: 63 FR 30302-30355, June 3, 1998. TSCA Hotline: 202-554-1404 (not a toll-free number).

### Guidelines

1. Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing; HUD, June 1995 (available for a charge)—Telephone: 800-245-2691:

2. Preventing Lead Poisoning in Young Children; Centers for Disease Control, October 1991: Telephone: 888-232-6789.

3. Screening Young Children for Lead Poisoning; Guidance for State and Local Public Health Officials, November 1997; Centers for Disease Control and Prevention (CDC): Telephone: 888-232-6789.

### Reports

1. Putting the Pieces Together: Controlling Lead Hazards in the Nation's Housing. (Summary and Full Report); HUD, July 1995 (available for a charge)—Telephone 800-245-2691.

2. Comprehensive and Workable Plan for the Abatement of Lead-Based Paint in Privately Owned Housing: Report to Congress; HUD, December 7, 1990 (available for a charge)—Telephone 800-245-2691.

3. A Field Test of Lead-Based Paint Testing Technologies: Summary Report (Summary also available); U.S. Environmental Protection Agency, May 1995. EPA 747-R-95-002a (available at no charge)—Telephone 800-424-5323.

4. Urban Soil Lead Abatement Demonstration Project. EPA Integrated Report, U.S. Environmental Protection Agency, April, 1996. EPA/600/P-93-001AF (available from National Technical Information Service (NTIS) for a charge)—Telephone 800-553-6847.

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